ment of a strong business sector in poverty areas.

Testimony will also be received concerning the operations of the Small Business Investment Division. Hearings regarding the SBIC's will be held on May 22nd, the Chairman announced.

The full Committee hearings will open at 10 a.m. on Monday, May 20, 1968, and will be held in the Committee's Hearing Room, 2359 Rayburn House Office Building, Washington, D.C.

In addition to Chairman Evins and the Honorable Arch A. Moore, Jr. (R–W. Va.), Ranking Minority Member, other Members of the Committee are as follows:

Rep. Wright Patman (D–Tex.).
Rep. Tom Steed (D–Okla.).
Rep. John C. Kluczynski (D–Ill.).
Rep. John D. Dingell (D–Mich.).
Rep. Neal Smith (D–Iowa).
Rep. James C. Corman (D–Cal.).
Rep. Donald J. Irwin (D–Conn.).
Rep. Joseph P. Addabbo (D–N.Y.).
Rep. Silvio O. Conte (R–Mass.).
Rep. James T. Broyhill (R–N.C.).
Rep. Frank J. Horton (R–N.Y.).
Rep. Rogers C. B. Morton (R–Md.).
Rep. Laurence J. Burton (R–Utah).

SENATE—*Wednesday, May 15, 1968*

(Legislative day of Tuesday, May 14, 1968)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in the fresh mercies of yet another day we come with hearts grateful for Thy grace, praying that, by a strength not our own, our individual record may be kept unstained by any word or act unworthy of our best.

Thou knowest that these testing times are finding out our every weakness and calling for our utmost endeavor against the wrong that needs resistance, and for the right that needs assistance.

May we go forth on our way, attended by the vision splendid, as we lift up our hearts with the grateful te deum, "He restoreth my soul."

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

Save us from ourselves, and show us a vision of a world made new.

We ask it in the name of that One whose truth shall make us and all men free. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 14, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Michigan [Mr. GRIFFIN] who is to be recognized at this time under the order of yesterday, I ask unanimous consent that the following subcommittees be authorized to meet during the session of the Senate today:

The Permanent Subcommittee on Investigations of the Committee on Government Operations.

The Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

The Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Under the previous order, the Senator from Michigan [Mr. GRIFFIN] is recognized.

A NONPROLIFERATION TREATY ON CONVENTIONAL WEAPONS FOR THE MIDDLE EAST

Mr. GRIFFIN. Mr. President, while the Paris peace talks on Vietnam hold the world's attention, a potentially more explosive crisis in the Middle East festers on with no settlement in sight.

One year ago, events were set in motion which culminated in the third outbreak of war between Israel and her Arab neighbors.

Today, a fragile cease-fire preserves an uneasy state of semipeace between the two sides. Acts of terrorism and reprisal flare up almost daily along the demarcation lines.

Since the June 1967 war, little progress has been made toward resolution of the fundamental political issues which divide the parties. Dr. Gunnar Jarring, the special envoy of the United Nations, has managed to switch his confidential, bilateral discussions from the Near East to U.N. headquarters in New York. But the basic deadlock concerning implementation of the Security Council's November 22, 1967, resolution still remains.

Instead of reconciliation, a rising tide of mutual hostility threatens once again to embroil the countries of the Middle East in a costly, armed conflagration.

The basic political issues which lie at the root of the chronic instability—such as the political status of Israel—must ultimately be resolved. Moreover, a durable and stable peace will remain only a pipedream until and unless the nations of the Middle East begin to deal in a more objective manner with the facts and realities of their situation.

On the other hand, the great powers must bear some measure of responsibility for the existing pattern of belligerence. For they have put muscle behind the bluff and bluster which is the trademark of Middle East politics. By introducing more and more modern instruments of war in an effort to shore up friendly governments, or to buy allegiance or to restore a balance of military capability, the great powers have actually poured oil on the fires of political ambition and militancy that have made meaningful negotiations impossible.

To offset Soviet influence, the United States has deemed it necessary to seek leverage in the area partly by marketing military hardware. Indeed, military assistance has been the carrot and stick of big power diplomacy in the Middle East.

The climate of fear and hatred which exists in the area is ready made for great power rivalry. For two decades the Middle East has been an ever-active, volatile front of the cold war.

As a first step toward organizing a durable peace in the Middle East, I believe the world community somehow must take effective action to place this strife-torn region off limits to the gun merchants of the East and the West.

Today, the cause of peace is menaced by the Soviet Union which has been rapidly reequipping the Arab armies following the war of last June. It is estimated that the Soviet Union has replaced between 80 percent and 100 percent of the Arab armaments which were then lost or destroyed. Moreover, the new supplies of weapons are more sophisticated than the pre-1967 vintage, and the arms race now threatens to escalate into a costly scramble for intermediate-range missiles. It is reported that Egypt has been supplied with surface-to-surface missiles by the Russians. And it has been disclosed that Israel is negotiating with France for the acquisition of a new 300-mile missile.

Such weapons threaten ever more quickening destruction should hostilities break out again. Instead of dealing with a 6-day war, the creaky machinery of the United Nations may be dealing next time with a 6-hour war.

The steadily expanding Soviet military presence in the Middle East increases pressures on the United States to reassert its power as a counterweight to Soviet influence. It is not likely that the United States can sit idly by while the Soviets continue to pump in military supplies which jeopardize American interests in the area and which undermine the political independence of important Middle Eastern countries.

Recognizing the inherent dangers in the evolving situation, it becomes imperative to make a determined effort to break the upward proliferation of arms.

Mr. President, for 20 years it has been the policy of the United States to avert an arms race in the Middle East.

Yet, our Government has been unable to refrain from participating actively in the race itself.

The Tripartite Declaration of 1950 succeeded only temporarily in limiting the quantity of arms shipments into the

area. In the mid-1950's, the Soviet Union emerged as a major supplier of weapons, courting militant Arab opinion. And since 1954, the United States has been providing Nasser's Arab rivals with weapons. For example, in 1954, our Government signed a $46 million military aid agreement with pro-Western Iraq, the mainstay of the now defunct Baghdad Pact.

In 1956, the United States sent tanks and aircraft to Saudi Arabia.

To counter the steadily increasing Soviet penetration in the Middle East, the Eisenhower Doctrine was promulgated for the purpose of negotiating military assistance programs to any nation "desiring such assistance." The object of the policy was to curb Soviet influence and, secondarily, to strengthen pro-Western regimes against the threat posed by Nasser's revolution and his Russian-equipped divisions.

Since 1955, an estimated $2 billion of Soviet military equipment has flowed into the Middle East. The United States has shipped approximately $370 million in arms to Arab States, and an estimated $41.6 million in weapons to Israel. France and Great Britain have also contracted for the sale of military equipment to Middle East nations.

Such feverish activity testifies to the failure of past efforts which have been made to stem the arms race in the Middle East.

President Eisenhower, addressing the third emergency session of the United Nations General Assembly in 1958, proposed that steps be taken to "avoid a new arms race spiral" in the Middle East.

The present administration has likewise expressed its adherence to the principle of restricting military assistance to the Middle East.

In January 1967, President Johnson suggested, in a message to the 18-Nation Disarmament Conference, that all countries explore, on a regional basis, means toward limiting "competition among them for costly weapons."

On June 19, 1967, Secretary of State Dean Rusk told a meeting of NATO ministers that the United States and the Soviet Union should try to scale down the delivery of arms to Middle East countries. On the same day, back in Washington, President Johnson told an assemblage of educators that the June war "demonstrated the danger of the Middle Eastern arms race." The President said that an arms limitation was essential in achieving a stable, permanent peace in the area.

Despite admirable intentions, the deadly competition for weapons has continued unabated. Today, war fever is rampant throughout the area, and the Middle East has become a tinderbox potentially more dangerous to world peace than Vietnam.

Mr. President, some means must be found to bring the arms race under control before a new and more destructive war is triggered—a war that could involve the super powers in a major confrontation.

Mr. President, I propose that an international conference be convened by the United Nations for the purpose of negotiating a nonproliferation treaty on conventional weapons for the Middle East.

I intend to introduce a Senate resolution on Tuesday, May 21, calling upon the President of the United States to advance such a proposal through appropriate action in the United Nations.

I have already sent a copy of this speech, as well as a copy of the draft resolution, to the President, to the Secretary of State, and to our Ambassador to the United Nations; I have urged their careful consideration of this new and different approach—an approach which offers a brighter promise of success.

NUCLEAR TREATY EXAMPLE

Mr. President, in my judgment, the recently concluded Nuclear Nonproliferation Treaty embodies some useful concepts which could be applied regionally to limit the buildup of conventional arms.

In the first place, expertise developed at the nuclear treaty conference sessions, as well as experience gained in accommodating a host of conflicting security interests, should be helpful in an effort to solve the problems of regional, conventional arms control.

Second, the Nuclear Nonproliferation Treaty imposes a mix of obligations upon both the have nations and the have-not nations. Under the principle of shared responsibility, the treaty obligates nuclear powers not to transfer nuclear weapons to non-nuclear states, while the latter are prohibited from manufacturing or otherwise acquiring such weapons.

In like manner, I believe that effective control of the Middle East arms race can be achieved only through collective responsibility, shared by the nations which supply weapons as well as the Middle East nations which receive them.

Any effort, then, to negotiate a conventional weapons nonproliferation treaty should include participation by the supplier nations and the recipient nations.

Mr. President, efforts made in the past have not emphasized this approach which, I believe, holds greater promise.

In the past our Government has failed to interest the Soviet Union in a bilateral accord to restrict such military assistance. Assistant Secretary of State Lucius D. Battle testified recently that, despite numerous approaches to Soviet officials, the State Department had not succeeded in holding down the flow of Soviet weapons into the Middle East.

Similarly, the countries of the Middle East—the recipient nations—have shown no inclination to participate in regional discussions on arms control. And they are not apt to do so in the future—unless strong impetus is provided by the great powers and by the weight of world public opinion, mobilized through the United Nations.

OBSTACLES REMAIN

Mr. President, I believe the concept of a multilateral arms control agreement, negotiated among supplier as well as recipient countries, offers the best hope of achieving what has seemed in the past to be unattainable.

Security is a basic need of both Israel and the Arab States. Such a treaty could go far toward meeting the need of both sides for security.

Although the fundamental political issues which divide Israel from her Arab neighbors would remain unsolved, it is altogether possible that both sides could find mutual advantages at this particular time in a treaty to bring the current arms race under control.

Of course, it would be foolish to underestimate the obstacles and difficulties which block the path to such a treaty.

It is true that many of the variables which favorably influenced negotiation of the Nuclear Nonproliferation Treaty are different or entirely absent in this situation.

But I am convinced Mr. President, that a determined effort should and must be made, if only because the alternative of doing nothing courts disaster.

Of course, one of the serious obstacles may be the attitude of the Soviet Union. Without Soviet cooperation, a fresh initiative to contain the Middle East arms buildup would stand little chance of getting off the ground.

Assuredly, both the Soviet Union and the United States have a major stake in preventing the Middle East from exploding.

It seems reasonable to suggest that the Soviets would find it a bit more difficult to repudiate a collective undertaking if it were the work of the United Nations with the weight of world opinion behind it.

In addition, since they have substantially replaced the material losses suffered last June by Arab forces, it may be possible for the Russians, now or in the near future, to consider that their prime commitment to those states has been fulfilled.

Thus, we may have arrived at, or be near, a point in history where a new effort to control the arms race—an effort embracing all the various parties involved—could win Soviet cooperation.

Of course, Soviet leaders are very well aware of the high costs of their military investments in the Middle East, and they must be mindful of the unpredictable nature of any long-range political yield.

Mr. President, I am suggesting that the time may be ripe for a U.N.-sponsored conference looking toward a conventional weapons nonproliferation treaty for the Middle East—that such a treaty could be an attractive vehicle at this time for both the Soviets and the United States—a means to deal effectively with a situation which threatens to get out of hand and which is becoming more and more expensive for both the East and the West.

NEW APPROACH NEEDED

Mr. President, if such an initiative is to meet with success, our Government must make certain that the Soviets cannot misjudge American intentions in the Middle East. For it has been primarily the ambiguity of American policy that has enabled the Soviets to reap significant benefits from a seemingly insurmountable setback last June. And the Soviets will probably continue to probe

and penetrate in the area until and unless they become convinced that the risks and costs are too high.

Mr. President, a conventional weapons nonproliferation treaty, such as that proposed in the resolution I shall introduce next Tuesday, could be the important, first step in breaking the Middle East arms syndrome which for 20 years has distorted priorities, stunted economic growth, and generated unreal political ambitions.

Pessimists should recall that few held out any hope for success of the nuclear nonproliferation treaty when negotiations toward that end were first proposed.

Mr. President, the time has come—and the United States should move—to launch a major diplomatic offensive for arms control in the Middle East.

Mr. President, I ask unanimous consent that the text of the proposed resolution, to which I have referred, be printed at this point in the RECORD.

There being no objection, the text of the proposed resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas a stable and durable peace in the Middle East is essential to the foreign policy interests of the United States and to the common interest of all nations in furthering world peace; and

Whereas the peace and security of the nations of the Middle East are endangered by the continuation of a wasteful and destructive arms race in that area: Now, therefore, be it

Resolved, That the President is hereby requested to take all necessary measures, through the United States delegation to the United Nations, to bring before the United Nations for its consideration at the earliest possible time a resolution providing for the convening of an international conference for the purpose of preparing, and reaching agreement on, a nonproliferation treaty controlling and limiting the supply of conventional military armaments, and of military assistance and services, to the nations of the Middle East.

SEC. 2. It is the sense of the Senate that all the nations of the Middle East as well as all nations furnishing or supplying military armaments or military assistance and services to the nations of the Middle East should be represented at the international conference provided for in this resolution.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Nebraska [Mr. HRUSKA].

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE YEAR OF THE BLUES

Mr. SYMINGTON. Mr. President, on the evening of October 11 the day before that great baseball team, the St. Louis Cardinals, went to Boston and won the World Series in the seventh game of a memorable series, another major league sport was introduced to the people of St. Louis. It was on that night a new hockey team of the National Hockey League took the ice—the St. Louis Blues.

Backed by an outstanding group of citizens, led by Sidney Salomon, Jr., he himself one of the Nation's outstanding sportsmen, this new franchise played for the first time before a fair but not overexcited crowd; and the hope that the Blues' owners had that evening was for their team to give a reasonably good account of itself during the months to come in this the first season of St. Louis major league hockey.

Slowly but surely, over those months, the Blues won the hearts of the people of the town and encouraged by that very support, the accomplishment of the players in this first year has exceeded even the fondest dreams of their most enthusiastic supporters.

Fighting to stay out of last place during the first weeks, the Blues barely made it to the playoffs. They then astonished everyone by first taking the playoff series, in four out of seven games, from the Philadelphia Flyers; and then, to the amazement of the entire sports world, carried on and up by thereupon winning in the semifinals of the playoff four out of seven, against the superb Minnesota North Stars.

As a result of ultimate success in these 14 grueling playoff contests in this, their first year, the St. Louis Blues leaped into the world's series of hockey, the Stanley Cup playoffs, and found themselves pitted against the finest of all hockey teams, the Montreal Canadiens.

Fatigued by these 14 previous playoffs in the western division, the Blues nevertheless battled to the point where all these Stanley Cup final games were decided by just one goal—two in overtime.

This incredible feat has perhaps not been equalled in sports since the miracle Boston Braves of George Stallings took four straight games from Connie Mack's world champion Philadelphia Athletics in 1914.

St. Louis is now mighty proud of its new champions, a team of character and indomitable courage, a gathering of determined athletes who fill out a worthy triumvirate along with the baseball and football St. Louis Cardinals.

No one will ever forget this first year; and one can be confident that the super players on the Canadiens would agree with Robert Fachet's observation from Montreal in Sunday's Washington Post—

Montreal knew this would not be remembered as the year the Canadiens won the cup; 1968 has to be the year of the Blues.

SUPPLEMENTAL APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 1268.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 1268, making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the joint resolution be ordered to lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. HRUSKA. Mr. President, I rise to address myself to amendment No. 708 to title IV of the pending bill, S. 917.

As the sponsor of amendment No. 708 and as one who has been interested in the subject of firearms legislation for a long time, I wish to make clear that the issue is not whether a firearms control bill should be enacted, but what kind of measure should receive approval.

I do not question the need for improved firearms control. In fact, I strongly favor passage of an effective, enforceable, and workable bill for that purpose, a measure which will achieve as much progress as is practicable to help keep firearms out of the hands of the wrong people and to reduce the crime rate. I believe my amendment, No. 708 is such a measure. It is my hope that it will receive approval of the Senate.

Anytime the Senate deals with legislation covering a sizable objective, there are alternative proposals. Not every proposal will necessarily achieve the desired objective; not every proposal is necessarily desirable or sound. This certainly is the case in regard to firearms control legislation. Differences exist only as to what provisions a measure should contain in order to best serve the overall purpose of "keeping guns out of the hands of the wrong people."

There are now two Federal laws dealing with firearms. Congress enacted the National Firearms or "Machinegun" Act in 1934. In 1938 it enacted the Federal Firearms or "Sporting Guns" Act. The passage of time and accumulation of experience indicates that these laws should be revised and improved. In addition, there have been other intervening factors.

The Nation now has a much greater population. It has grown by more than 70 million in the past 30 years.

There has been a tremendous shift of population from rural to metropolitan areas; from certain sections of the country to other sections of the country.

New types of firearms and destructive devices have appeared.

There has been a tremendous increase in the crime rate. Since 1960 serious crimes have increased 88 percent.

There has been an increasing incidence of riots, massive civil disobedience, violence, looting, and arson. At times, these acts have occurred almost simultaneously in widely separated points of our Nation.

There is a threat that a stubborn, ugly disregard for laws will replace the respect for law, order and peace which has long been the tradition of our Nation.

All of these changes establish the need for revision and amendment of the present statutes. Improved firearms control is urgently needed.

LEGISLATIVE OBJECTIVE SOUGHT

Very simply, the objective sought is to keep firearms out of the hands of the wrong people—those who misuse them.

The Senate firearms hearings established that Federal legislation should be directed toward first, effective and forceful laws regulating firearms commerce across State lines; second, provisions enabling and assisting States and their political subdivisions to enforce their own laws and ordinances, with special reference to firearms coming into a State from outside of its borders; and, third, modernizing and improving Federal law regulating the manufacture, sale, transfer, and possession of automatic weapons to include destructive devices.

Throughout the extensive hearings on this subject, the principal concern and frustration of local law enforcement officials was the shipment of firearms from other States into their own State. Commerce across State lines simply was not under their control. The witnesses repeated time and again that if they had such control, significant progress could be made to keep firearms out of the hands of those who misuse them.

The legislatures of the several States would be the ones to establish how much control and what kind would be exercised within the States themselves.

TWO APPROACHES TO CONTROL THE SALE OF FIREARMS

There are two primary legal sources of firearms which find their way into the hands of a resident within any State. One source is the interstate mail-order sale. A buyer will mail his order to the seller in another State. The seller ships directly to the buyer, by a legally qualified carrier. The other legal method of obtaining firearms is to have them shipped to a dealer within a State, followed by purchase and delivery from that stock of merchandise by the resident in an over-the-counter transaction.

Advocates of title IV seized upon the concept of prohibition to achieve the objective they sought. Their measure, as introduced, would totally remove interstate mail-order sales to individuals from the picture, insofar as handguns are concerned; and, within the next day or two, an effort will be made to include long guns within that prohibition. The result, it is said, is that there would no longer be "wanton and random distribution of guns" from that source, and presumably, mail-order murder would disappear—a rather farfetched conclusion, but, that is the implication of the arguments advanced by the proponents of title IV. However, over-the-counter sales still remain as a source of firearms.

Title IV covers this source by providing that the dealer would bear the responsibility for making sales only to persons who are eligible to buy or own such a firearm under the local, State, or National law.

A different approach is embraced in amendment No. 708—which incorporates S. 1853 and S. 1854. This approach recognizes the mail-order sale and over-the-counter sale as legitimate channels and methods of sale and distribution of a lawful product. Both of these channels would be effectively regulated and controlled by amendment No. 708. Compliance with the law would be enforced by strict criminal penalties, up to $10,000 in fines and up to 10 years in prison.

My amendment regulates the mail-order sales of handguns by requiring the buyer to submit a sworn statement to the dealer reciting the material facts of the proposed sale. The seller must notify local law-enforcement officers of the proposed purchase, and information regarding the purchaser. After such notice, a suitable waiting period furnishes ample time to enable such law-enforcement officials to object to the sale and delivery of the article ordered. This same presale notice procedure applies to a person seeking to buy a handgun over the counter in a State other than the State of which he is a resident.

Under this approach, the responsibility of controlling mail-order sales is placed jointly upon the seller and the law-enforcement officers of the locality in which the buyer lives. The buyer also shares responsibility because the mail order he signs is a sworn statement. Any false or fictitious representation or information contained therein renders him subject to a fine up to $10,000 and imprisonment up to 10 years.

Likewise, the carrier who makes delivery of a firearm to a buyer bears part of the burden. Such a carrier is subject to a penalty, upon conviction, for delivering a handgun to a person under 21 years of age, or a long gun to a person under 18.

Title IV and amendment 708 contain many other provisions. Each approach deals with destructive devices. Each provides for updating and modernizing the system of Federal licenses for manufacturers, importers, and dealers, and pawnbrokers as well.

The essence of the controversy between each approach, however, is to be found first in the method by which each seeks to control interstate shipment of firearms, as already briefly described; second, in the joinder in title IV of provisions as to both sporting firearms and destructive devices, whereas amendment 708 keeps them in the separate acts in which they have been for over 30 years; third, in provisions relating to destructive devices; and, fourth in provisions relating to imports of firearms.

CRIME AND FIREARMS CONTROL

Before getting into the details of the alternatives, we must consider just how effective any firearms control measure can be. What can it do? What is realistic?

Certainly it is desirable to have laws prohibiting the purchase and possession of firearms by convicted felons, delinquents, mental incompetents, drug addicts, habitual drunkards, and fugitives from justice. These are all actual or potential misusers of firearms.

Many of those who advocate overly restrictive firearms legislation as a means of reducing crime in the United States, however, are doing the public a real disservice, in my judgment, by leading them to believe that such legislation will successfully solve the crime problem, or for that matter, even a significant part of it. The facts dictate that it will not. The grave harm done by such misleading is that it tends to reduce the public's justifiable concern over alarming crime rates and delays positive action aimed at the real causes of crime.

There are innumerable instances in which such statements and representations have been made. Let me quote one statement made recently:

> We cannot control crime without controlling the random and wanton distribution of guns . . . We must stop what amounts to mail order murder.

Statements such as this constitute a clear effort to create the belief that crime can be rigidly controlled by legislative control of firearms and their distribution; and that mail-order sales amount to mail-order murder. The implication is that if mail-order sales are outlawed, murder by gun would disappear or, at least, be reduced. The facts do not justify such a simplistic conclusion. There is far too much of this kind of oversimplification in the problems inherent in this subject.

What are the facts? What impact can firearms legislation have on crime?

Mr. President, the facts are as follows:

Crimes involving misuse of firearms constitute a relatively minimal part of total crimes committed in the United States. The FBI Uniform Crime Reports for 1966 show a total of 3,243,370 serious crimes. Serious crimes as defined by the FBI include first, murder and nonnegligent manslaughter; second, forcible rape; third, robbery; fourth, aggravated assault; fifth, burglary; sixth, larceny, $50 and over; and seventh, auto theft.

Of the total of 3,243,370 serious crimes, firearms were involved in 109,734 of them. This is 3.4 percent. Rifles and shotguns were used in less than one-half of 1 percent of the total serious crimes.

Mr. President, this means that if all firearms were done away with, totally and completely, and no criminal substituted any other type of weapon for a firearm, the United States would still have had 96.6 percent of its reported serious crime in 1966. Instead of 3,243,370 serious crimes under those circumstances, the number would have been 3,199,095.

Mr. President, this figure contemplates total elimination of firearms. Hence, it is absurd to intimate or to imply that crime will be controlled if the "random and wanton distribution of guns" is outlawed.

The plain fact is that such prescription would not solve the crime problem, nor even any meaningful part of it.

Again, I say, misleading the public in this way tends to reduce the public's justifiable concern over our alarming crime rate, and delays positive action aimed at the real causes of crime, which are, as all of us know, in the main socioeconomic in nature.

What I am calling for is a reasonable appraisal of the facts. Firearms are used in crimes and new controls are needed. But our actions should be guided by our understanding of the potential effectiveness of any firearms control measure.

The statistics on misuse of firearms in serious crime classes, as defined and estimated by FBI crime reports for 1966 run thus:

Homicide	6,476
Aggravated assault	43,578
Robbery	59,680
Total	109,734

Advocates and friends of title IV urge that this is a large enough statistic to warrant enactment of a total prohibition of mail-order sales and all of the rest of the title's provisions.

Mr. President, I am sure we all deplore the crime rate. Certainly, the statistics quoted above are tragic. The general increase in crime—88 percent since 1960—is shocking. All thoughtful Americans are greatly concerned because of the inreasing tempo of law enforcement deterioration, disrespect for the law, and the skyrocketing incidence of crime.

But statistics on misuse of guns or on the growth of crime are insufficient in themselves to form a basis for enacting gun control law. It takes much more than that. It takes provisions which are workable and enforceable. Legislation should be based on an understanding of the legitimate commerce in firearms, and the abuses of these channels by which the lawless obtain guns. It must be drafted so people generally will accept and support it. It must not interfere with the tens of millions of law-abiding citizens who own and use guns lawfully, wholesomely, and in many cases, out of sheer necessity.

Furthermore, Mr. President, a connection must be clearly shown between the proposed law and its claimed ability to reduce the misuse of firearms. The burden of proof lies on the advocates of title IV to justify the provisions of their bill in that light.

In my judgment, they have not sustained it. They have not shown that the prohibition of mail order sales of firearms will have any appreciable or measurable impact on rates of crime, nor even on the number of instances of misuse of firearms.

OBSTACLES TO EFFECTIVE FIREARMS CONTROL

It is a fact, Mr. President, that outlawing firearms would not eliminate crime. It is further a fact that prohibition of mail-order sales and over-the-counter sales would not control firearms crimes.

First of all, even with total elimination of all legitimate commerce in firearms—let alone mere control—other weapons still would be available.

The best example is zip guns. These are easily and quickly made. They are deadly and effective as a criminal's weapon. The materials needed to make them are readily available or easily acquired, and are very cheap. Hearings on the proposed gun control bills clearly documented this point. See footnotes 2, 15, 19, 20, 25, 27 in the CONGRESSIONAL RECORD for April 2, 1968, at page 8587, which cite Life magazine article, testimony of Mark K. Benenson before congressional committees; Field and Stream article; S. Texas Law Journal; M. E. Wolfgang "Patterns in Criminal Homicide"—Oxford University Press, 1958.

In a State which has a "tough" gun control law, the criminals have taken advantage of this substitute. In fact, the New York State Legislature's joint committee on crime reported that in 1966 the use of homemade zip guns exceeded the misuse of rifles and shotguns in murders, robberies, and assaults in New York State. Misuse of rifles and shotguns in crimes totaled 705 as against a zip gun total of 976. This is in a State which has had the Sullivan Law for over 50 years.

A second factor which would minimize the impact of even a total ban on all commerce in firearms in reducing crime is the extent of firearms ownership in the United States. There is no way of taking an exact inventory of them, of course, but the ownership is vast, and in recent years, it has trended upward. The better estimates indicate that between 40 million and 50 million persons in the United States own some 200 million firearms of all types. See proceedings of 20th annual meeting of S.E. Association of Game and Fish Commissioners, Tulsa, Okla., pages 70 to 78 entitled "The Socioeconomic Impact of Firearms in the Field of Conservation and Natural Resources Management."

Mr. President, a total ban on all firearms commerce is not proposed by title IV, but rather only a shutting off of one legitimate channel of sale and distribution; namely, mail order. With mail-order sales prohibited, there would be small impact, indeed, upon the capacity of those who wished to misuse firearms, when there is a vast reservoir of 200 million privately owned firearms to draw upon. Even if there were a total ban on all commerce in firearms, it would be difficult to make a plausible argument that misuse of firearms would be affected to any appreciable degree.

In addition, advocates of title IV constantly assert that their proposed legislation will not curtail ownership of firearms used for sport or self-protection; that at most it would impose only slight inconvenience on those who are lawful users of guns. Its provisions are referred to sometimes as "minor regulations that this bill imposes are not significant enough to justify any complaint." Repeatedly, it is said: "This legislation would not in any substantial way burden any person who has a legitimate purpose in obtaining a firearm."

I quote these statements to indicate that the already large reservoir of weapons will continue to grow, notwithstanding the proposed legislation. Thus, the obstacle presented by that reservoir of privately owned guns is built in. It will remain to hinder the objective of "keeping guns out of the hands of the wrong people."

Even at best, any kind of firearms control legislation would have limited effectiveness. To reiterate, the pertinent considerations are:

First. Crimes involving misuse of firearms are relatively minimal in the entire picture.

Second. Homemade or stolen firearms are too readily available.

Third. Substitution of other weapons for banned firearms is a demonstrated fact.

Fourth. The vast reservoir of some 200 million guns in private ownership would further dilute the effectiveness or impact of a control measure.

Fifth. That vast reservoir will be increased even under the proposal of those who advocate passage of title IV.

PROHIBITION OF MAIL ORDER SALES IS UNREASONABLE

Generally, mail order sales are a well-established, legitimate, and widely used channel of sales and distribution of merchandise. In many instances, they are a necessary, and very often, a sole method of purchase and delivery to substantial segments of our population.

This is true with ordinary merchandise. It would be especially true in the field of firearms where the number and location of merchants may be drastically reduced because of Federal licensing requirements.

Vast areas of territory exist in the United States where today's population is more sparse than 50 years ago. Scarcity of people means fewer merchants located at far distant points. Except for the automobile, means of transportation are limited, and often nonexistent.

Illustrative of these geographical territories and their respective populations is the following:

Census figures for 1960 indicate that the combined population of the metropolitan areas of New York City, Chicago, and Los Angeles was roughly 26 million. That is more than the entire population of 24 States.[1] No doubt the disparities will be even greater when the 1970 census figures are complete.

Title IV would severely penalize those people living in the sparsely populated areas. In many instances, it would completely prevent them from acquiring firearms.

Fortunately, there is an alternative. Mail order sales need not be prohibited. There is a workable, enforceable, and effective method which can be used to regulate firearms and to keep them out of the hands of the wrong people. This method is known as the presale notice procedure, which is provided for in amendment No. 708.

[1] Alaska, Arizona, Arkansas, Colorado, Delaware, Hawaii, Idaho, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, West Virginia, Wyoming.

THE DEALER'S BURDEN UNDER TITLE IV IS UNREASONABLE

Prohibition of mail-order sales will not keep firearms out of the hands of the wrong people. Nor will it make any measureable progress in that direction. It simply shifts the problem onto the dealer in over-the-counter sales.

Title IV's requirements impose upon the dealer a very difficult—if not impossible—burden. He must make a variety of decisions before he determines that a potential customer possesses all the qualifications of a person to whom a firearm may lawfully be sold. Penalties for a mistake are very severe. Fines up to $10,000 and imprisonment up to 5 years may be the consequence of such a mistake.

In fact, the onerous responsibility and risk of following the law in selling only to lawful buyers will be so burdensome and fraught with so much danger, that first, many merchants will refuse to become dealers which for many communities and locations will mean no dealers whatsoever; and second, those who will become dealers will tend to be overly cautious in making sales. A dealer cannot personally know everyone in his trade territory and certainly not well enough to vouch for all qualifications of a prospective purchaser. Naturally, rather than take a chance, he will say "no sale."

This is particularly true if a prospective customer comes in to a dealer and presents identification from another jurisdiction. Then the dealer must—using his own resources—because there is no requirement for a sworn statement or a police check in title IV—determine that the identification is genuine and that the buyer is qualified under the applicable State and local law. If the sale is made and if it later develops that the sale was in violation of law—any law—then the dealer has committed a Federal crime. The same situation for the mail-order sales that are still allowable under title IV exists.

The inescapable conclusion is that on the one hand many people will suffer the harsh effects of a monopoly given to a dealer in over-the-counter sales, and on the other hand will be without any opportunity to buy firearms by mail.

In more detail, here are some of the difficulties which title IV creates for the dealer: The dealer must make a decision as to the accuracy of all the information concerning the prospective buyer's name, his residence, and his proper age; his ability to receive and possess a firearm by reason of any Federal law or any State or local law, regulation, or ordinance applicable; his not being an ex-convict, a fugitive from justice, or under indictment and all of the other detailed statements required to qualify a man.

In colloquy in the Senate Chamber earlier in debate on title IV the Senator from Connecticut [Mr. DODD] was asked what the dealer could do to protect himself from Federal criminal liability if, in fact, the prospective buyer is not qualified to buy a firearm.

Senator DODD's reply on page 12329, CONGRESSIONAL RECORD:

I assume he would have to do the things that any reasonable man would have to do. As was said about other questions, due diligence would have to be exercised to determine whom he represented himself to be, that he lived where he said he did, that his age was what he alleged it to be, and that the laws of the place were he resided did not prohibit it.

When the Senator from South Carolina [Mr. THURMOND] observed:

It is my strong feeling that it would be better to provide a more tangible means of protection for honest dealers . . . however, I am concerned about the possible hidden dangers of this bill for the honest dealer who under section 922(b)(2) must now be responsible for thousands of local ordinances.

The answer of the Senator from Connecticut was:

The best I can say about that—and I do not want to be overly critical—is that if he does this knowingly or with reasonable cause to believe that it is illegal, then he is liable.

A situation of this kind is certainly overloaded with uncertainty and great risk. What may be "due diligence" in the mind of one Federal district attorney, may not be "due diligence" in the mind of a different district attorney. Very likely, judges might differ on the meaning of "due diligence" or "good business practice," and even juries, in their composite judgment, could differ greatly.

If a gun recently purchased was ostensibly purchased under proper circumstances and was sold with good judgment, but if that gun is shortly thereafter used in some crime—which could happen—the fever pitch of the community would be directed against the helpless merchant who used his earnest good judgment and due diligence.

The price would be too high. It would not take more than one or two such occurrences to really make the business of dealing in firearms under Federal license an undesirable one. The licensed dealer would either turn in his license, or say "no sale" to a qualified purchaser.

Another facet of the same problem is that many jurisdictions impose vague restrictions on the sale of firearms. For example, in the District of Columbia the ordinance forbids sales of handguns to felons, narcotics addicts, vagrants, or prostitutes. Texas law forbids sales to "undesirable persons" whoever they may be. Under that type of vague description, how can a merchant exercise due diligence and good business judgment? Yet, he is charged with that responsibility, and he opens himself up to severe penalties if he is wrong.

Actually, Mr. President, the dealer is not armed with any procedures or tools which he may use to protect himself when he sells a firearm. He cannot rely on a sworn statement or affidavit which he can submit to the police department or to the sheriff or the State patrol. He cannot get their assistance in his effort to comply with the law. In fact, it is his individual effort alone that is expected to make this law work.

Again, fortunately, there is an alternative. We need not prohibit mail-order sales. We can regulate them, and regulate them very successfully and effectively.

Under the presale notification procedure of amendment 708, a dealer, whether he sells by mail or over the counter, can send his customer's affidavit to the chief law enforcement officer in the purchaser's locality. In mail-order sales, there is a suitable waiting period before delivery can be made by the dealer. In that interim, if the chief of police finds something suspicious or finds that some representation or inaccuracy is contained in the affidavit, the sale will never be consummated. The law enforcement officer has only to give notice to that effect to the dealer.

This procedure is not available in title IV. The dealer is compelled to go it on his own and at his own peril.

Title IV, as now drawn, will mean not only that many people will pay the harsh penalties brought about by a monopolistic system of trade with firearms, but also that many of them will be unable to buy firearms because dealers will tend to become unduly cautious, or may not engage in the business of selling firearms at all.

TITLE IV WOULD CREATE MONOPOLIES

Prohibition of mail-order sales of firearms would create a monopoly in the merchant who would become a licensed dealer. Such a monopoly would possess all of its bad attributes. For example, the buyer would be compelled to pay substantially higher prices.

Lack of competition, the necessity to pay substantially higher prices for guns the cost of which would otherwise be very moderate and within the reach of millions of people who still use guns and use them wholesomely and for lawful purposes; few dealers located far apart; all these things are the very stuff of which monopolies are made. It is very fine for large companies and large factories. But it is not good for a person entitled to buy a gun, who will not have a reasonable opportunity to do so under the provisions of title IV.

Such a condition will mean that not only will potential buyers be compelled to pay prices that tend to be high, but also that they will have to put up with service of indifferent quality; or in fact be totally and unjustifiably rejected as a customer. All are badges of monopoly.

Fortunately, there is an alternative. Mail-order sales need not be prohibited. They can be reasonably, effectively, and acceptably controlled. This can be done to a point where regulation can be enforced and reasonable progress made toward the goal of keeping firearms out of the hands of the wrong people.

That alternative is amendment 708 to title IV.

LAW ENFORCEMENT SHOULD BE PREEMINENT

We ought to adhere to certain principles in legislation of this type. I believe that when title IV of this act is entitled "law enforcement assistance to State firearms control acts," it is misleading. What really results from title IV as it is drawn and as it now reads is that the Federal Government will handle the enforcement of all the gun control laws of America—local ordinances, State laws and regulations, as well as Federal laws.

Under title IV all sales in technical violation of State law or city ordinances would become Federal offenses. This means an imposition of duties and burdens on dealers far beyond reasonable

commercial practice. More importantly, however, it would put the Federal Government into the business of enforcing State and local law.

Such a consequence would be in direct violation of the constitutional heritage and mandate of this country that enforcement of local laws is the duty and right of local authorities.

It should be remembered that there are some 400,000 full-time law-enforcement officers in America. Only about 23,000 are Federal law-enforcement officers. Many of these are engaged in duties other than law enforcement in the sense in which we use it here.

Construction of a Federal constabulary that would go into the highways and byways of the Nation for the purpose of enforcing another national prohibition law, this time in the field of firearms, should not be permitted.

It has been said that the presale notification procedure is defective because it counts on the honesty of the buyer in executing mail orders.

This is not difficult to answer. At least evidence of dishonest, false or fictitious statements is in writing, signed by the prospective buyer. A false purchaser incurs severe criminal penalties upon conviction to wit: fines up to $10,000, and imprisonment up to 10 years.

Also, the purchaser's local police chief has the opportunity to verify the material facts and representations made in the sworn statement before delivery occurs. If local permits or other requirements are placed on firearms purchases within that State, those requirements must be recited in the application.

The presale notification procedure in amendment 708 to title IV is an intelligent, enforceable alternative to title IV and I earnestly urge its support.

MAJOR PROVISIONS OF AMENDMENT 708

This amendment contains the text of two bills introduced by this Senator earlier in this Congress. S. 1853 seeks to amend the Federal Firearms Act concerning sporting weapons. S. 1854 seeks to amend the National Firearms Act, also known as the Machine Gun Act, or as the Destructive Device Act.

My amendment is designed to place under effective and enforcible control the shipment and transportation of firearms across State lines. It is the feature of interstate commerce in firearms pointed out in the Senate hearing record as making it impossible for States and cities to enforce their own firearms control laws.

It is a strict, in fact, a tough measure.

Severe penalties are provided upon conviction of violation of the act. Fines are up to $10,000, and imprisonment for terms up to 10 years.

First. All manufacturers, dealers and pawnbrokers must have a Federal license.

Second. Shipment or transportation by any dealer or manufacturer of any firearm, including rifles and shotguns, in interstate commerce is unlawful if made to a person in any State or locality where its receipt by such person would violate any local statute or published ordinance.

Third. It is unlawful to transport into or receive in a State any firearm, including rifles and shotguns, which are acquired outside of such State and which would be unlawful to acquire or possess in the State of the recipient.

Fourth. As to a person who has been convicted of a crime punishable by imprisonment for more than 1 year, or who is under indictment for such a crime, or who is a fugitive from justice: First, it is unlawful for any person to transport or ship to such indictee, convict, or fugitive any firearm in interstate commerce, whether it is a long gun or a hand gun; and, second, it is unlawful for any such indictee, convict, or fugitive to receive any firearm which has been transported in interstate commerce, or for such person to transport or ship any firearms in interstate commerce.

Fifth. It is unlawful for any person to purchase a handgun over the counter in a State which is not the State of his residence or to purchase any handgun by mail order without complying with the specified presale sworn statement procedure.

Sixth. It is unlawful for any person, in acquiring or attempting to acquire a firearm from a manufacturer or dealer to make a false or fictitious statement, written or oral; or to exhibit any false identification with intent to deceive such manufacturer or dealer as to any material fact.

Seventh. It is unlawful for any carrier to deliver a handgun in interstate commerce to any person under 21 years of age or of any other firearm to a person under 18 years.

PRESALE AFFIDAVIT PROCEDURE

It is unlawful for any manufacturer or dealer to ship any handgun in interstate commerce to any buyer unless the presale affidavit procedure is complied with. Also it is unlawful to sell and deliver a gun to a nonresident of the State where the sale is made unless this procedure is strictly followed. Thus, over-the-counter sales may be made to a nonresident but not without this compliance.

The presale affidavit procedure furnishes local law-enforcement officers timely and adequate information as to proposed shipment across State lines to persons within their jurisdiction. This gives them advance information so as to enable them to control firearms coming into their jurisdiction over State lines. Here is how the procedure works:

First. Contents: The prospective buyer must submit to the manufacturer or dealer a sworn statement in which he swears that he is 21 years of age or older; that he is not prohibited by the Federal Firearms Act from receiving a handgun in interstate commerce; that his receipt of the handgun will not be in violation of any statute of the State and published ordinance applicable to the locality in which he resides; the name and address of the principal law-enforcement officer of the locality in which the handgun will be shipped; and attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance.

Second. Procedure: Affidavit is sent to the dealer by the prospective buyer. The dealer by registered or certified mail—return receipt requested—sends a copy thereof to the law-enforcement officer, sheriff, or State patrolman named in the affidavit, together with the description of the handgun as to manufactured caliber model and type.

Third. Shipment: Dealer must delay shipment for a period of at least 7 days following the receipt by him of the notification of the law-enforcement officer's acceptance or refusal of such letter.

Fourth. Delivery: Dealer must give carrier written notice that such handgun is being transported or shipped.

Fifth. Delivery: It is unlawful for carrier to deliver a handgun to a person under 21 years of age or any other firearm to a person under 18 years of age.

Mr. President, it is submitted that this procedure will fill the void now existent in the enforcement of firearms control laws in the entire Nation, Federal, State, or local.

Law enforcement officers will receive notice with every ample information of intended delivery. Law-enforcement officers everywhere are aware of the very high importance of controlling firearms commerce. Everywhere America is aware of the high order of priority of keeping guns out of the hands of the wrong people.

This is the intelligent and effective alternative to a prohibition of mail order sales. It will be effective because no prospective buyer will be likely to sign his name to an affidavit which incurs such severe criminal penalties upon conviction for falsity or misrepresentation, without giving full, accurate disclosure of all the necessary information. Under the other system, the duty of gathering and judging the evidence concerning the eligibility of a prospective buyer is thrown upon the dealer in over-the-counter sales. He is not even provided with the means by which to judge the matter. It is unreasonable to expect him to bear the burden and the responsibility all alone.

Under the presale affidavit procedure, there is a division of the duty and responsibility to screen a prospective purchaser's eligibility.

It should be noted, that the first duty is on the prospective buyer, himself. He must truthfully disclose his eligibility under penalty of severe fine or imprisonment. He can count upon a check being made by the local police to confirm residence, his police records, the existence or nonexistence of a license or permit, and similar information. He is aware of this at the time he makes out the application.

It is submitted that the deterrent effect to dishonesty or falsity will be substantial under an affidavit procedure. It certainly is highly superior to the verbal and oral transactions that will occur over the counter under title IV.

The second responsibility is upon the police or other enforcement agency. Their processing of presale affidavits will be a very important step. It should and, in the judgment of this Senator, it will receive high priority and speedy attention by law-enforcement officers.

The carrier of the weapon also bears some responsibility in that it must not

deliver any handgun to a person under 21 years of age, nor any long gun to any person under 18 years of age. Severe penalties are provided for violators. This is an adequate safeguard that the age requirement will be enforced and observed in firearms transactions.

The dealer, himself, is under obligation to proceed carefully, because his license is at stake. However, he does receive some protection because the procedures regarding what he must do are spelled out in the bill.

This presale affidavit procedure is workable and enforceable. It will be acceptable. It recognizes the fact that handguns are the principal problem. However, any dealer may use the affidavit procedure for the sale of any firearm, including long guns, if he chooses in order to protect himself.

THE PRINCIPAL PROBLEM: HANDGUNS

Mr. President, there has been much testimony that the handgun is the most formidable and most frequently used tool of the criminal. Because of its attributes, including its compactness and concealability, it is the most frequent weapon in crimes which are committed with firearms. The existence in many States of laws controlling the handgun, and the statistics showing its dominance as the weapon used in unlawful activities, establish it as the principal problem.

Exact breakdowns are not available, but Director J. Edgar Hoover, of the Federal Bureau of Investigation, has estimated that handguns were used in 70 percent of murders committed with firearms, although he did further advise that there "is no available breakdown of the type of firearms used in these attacks." In the Uniform Crime Reports it was estimated that approximately 19 percent of the 231,800 aggravated assaults, in the 1966 report, were committed with firearms. In that same year, 39 percent of the 153,420 robberies were committed with firearms. In regard to the robberies Mr. Hoover further estimated that most of them were with the handgun.

It is because the handgun is the special offender that its sales, both by mail-order and over-the-counter sales to out-of-State residents, are made subject to the presale affidavit procedure. This is not to suggest that crimes committed with long guns are not serious or that they should be free from Federal regulation. It should be noted that several, very tough provisions of amendment 708 apply to them as has already been indicated.

AN ACCEPTABLE APPROACH

The regulatory features of amendment 708 are fair, reasonable, nondiscriminatory, and acceptable to the overwhelming majority of the millions of Americans who would be directly affected by expanded Federal firearms control legislation.

It is one thing to talk about the need for stringent legislation—Federal registration, licensing, total prohibition, embargoes, and even confiscation of all firearms. It is quite another proposition to fashion legislation that will be widely accepted by those who must carry the burdens imposed.

We cannot escape from the fact that there are many millions of households—one reliable estimate is 40 million—which contain firearms. There are at least 15 million hunters who take to the fields each fall. Although no recent figures are available, it appears that at least 3 million firearms—new and used, domestic and imported, are sold at retail each year.

The sad experience with the 18th amendment indicates that if a Federal law is placed on the books that is not acceptable to those who must abide by it, it is doomed to failure.

Amendment 708, which embodies the provisions of S. 1853 and S. 1854, has the necessary broad appeal. Its provisions have received the open and sustained support by every major sporting and conservation group in the country. Hundreds of thousands of individuals have written to their representatives in Congress urging early passage of these bills.

Organizations who have publicly endorsed S. 1853 and S. 1854 are the National Wildlife Federation, Wildlife Management Institute, Izaak Walton League, National Rifle Association, National Shooting Sports Foundation, and the International Association of Game, Fish and Conservation Commissioners.

More interested organizations have also gone on record generally supporting the approach taken in amendment No. 708. Included would be the National Police Officers Association, the American Legion, the American Farm Bureau Federation, the National Grange, the National Association of District Attorneys, and others.

The legislatures of at least 14 States have passed resolutions either supporting the Hruska bills or opposing the Dodd bills.

Mr. President, the public considers amendment 708 an acceptable measure.

IMPORTS

In the new section 925(d) of title IV, severe restrictions are placed on the importation of firearms. In the case of destructive devices, National Act weapons, and military surplus handguns, there are total prohibitions. In the case of military surplus long guns, and other commercially manufactured firearms, they are importable only if they are generally recognized as "particularly suitable for or readily adaptable to sporting purposes."

Under existing law—section 414 of the Mutual Security Act of 1954—the Department of State presently grants import licenses for all firearms and other implements of war. Since 1965, the Department has not issued import licenses for destructive devices. Under the provisions of the Hruska amendment, imports are treated the same as any other firearms.

For more than a decade, the New England firearms manufacturers have been engaged in various attempts to restrict or eliminate competition from foreign sources. In the past several years, however, with imports of military surplus on the decline and many of the manufacturers obtaining firearms from foreign subsidiaries, interest by the industry in banning imports or restricted them has somewhat waned. However, since President Kennedy was assassinated with a military surplus weapon, repeated attempts have been made to justify embargoes because this particular type of weapon was used in the commission of the heinous crime.

Domestic gun control legislation is no place to attempt to impose protectionist views on foreign trade policy. More importantly, the standard imposed for allowing imports would arm the Secretary of the Treasury with broad discretionary powers, but would be virtually meaningless.

The thing that is so difficult to understand is why there is an evil that attaches to an imported gun that does not attach to a gun made in this country. It is difficult to justify, and I do not think it can be explained.

One of the most important law enforcement problems is the so-called starter pistol or "Saturday night special." These are small caliber handguns, usually of foreign commercial manufacture, that sell for a few dollars on the retail market. They are generally made of pot metal or other inferior materials. Their legitimate use is for firing blank cartridges to "start" races at track meets and other athletic contests. They are widely used by juveniles and others in the commission of crimes according to the testimony presented to the committee. It is also noted that there are domestic manufacturers of similar items which sell at competitive prices to the foreign imports.

It is said, "Let us stop the imports." But what is done about domestically manufactured starting guns which are selling at competitive prices with the imports? Nothing. Apparently when an American merchant makes it and sells it, it is all right; but when it is brought in from the outside, it is not. The same reasoning goes into other categories of imported firearms.

Assuming that it could somehow be found that the starter pistols were not being brought into this country for lawful sporting purposes—track meets and other contests—still the market would be supplied by domestic sources. The proper way to deal with this problem is the imposition of the affidavit requirement for mail-order sales and over-the-counter sales to our-of-State residents. It is probable that the "redtape," inherent delay, and notification of local police would result in desirable restraints to minimize and control the problem.

DESTRUCTIVE DEVICES

Part B of amendment 708 strictly regulates destructive devices such as rockets, bazookas, antitank guns, and the like by placing them within the framework of the National Firearms Act of 1934. This law presently requires the Federal registration of and heavy transfer taxes—$200—on machine guns, sawed-off rifles and sawed-off shotguns. The same treatment would be given to destructive devices.

There is no question about the need for this provision and there is no disagreement. The law would be tightened up. The registration provisions are now

in such shape under amendment 708 that they conform to the most recent provisions of the Supreme Court with respect to the registration of these guns. It would be a great improvement and a much needed amendment of a 34-year old law.

Part B requires that no Federal licensee may sell a national act weapon to persons under 21 years of age. Part B also makes it a Federal crime for any person to bring a machinegun or destructive device into the state of his residence in violation of State law. The purchaser's local police agency is notified of each sale or transfer of these weapons. The present National Firearms Act is amended by increasing maximum penalties to ten years in imprisonment and $10,000 in fines upon conviction of violation.

These provisions were included in S. 1854 introduced by this Senator. There has been no fundamental disagreement concerning it. In fact its provisions were generally discussed and approved.

Now title IV approaches this in an ill-considered and unacceptable way. Title IV combines, in one act, sporting arms and destructive devices which for over 30 years have been treated separately in separate acts. I think that sportsmen generally are entitled to be disturbed when they find themselves bracketed in the same act with the use of destructive and automatic weapons which are under prohibition of heavy taxation for transfer and, in fact, Federal registration.

So it is hoped that the National Firearms Act will be amended on its own to bring it up to date and to stiffen its provisions. It does not have to be combined with the provisions which relate to sporting arms that originally were treated in S. 1853 and which are now incorporated as part A of amendment No. 708.

Mr. President, it is one of the traditions of America that the primary responsibility for law enforcement rests upon State and local authority. The approach used in amendment No. 708 is calculated to achieve that result. That is the only way there can be effective, overall enforcement of any firearms control act within the boundaries of any State.

It is my hope that the Senate, in due time, will express its will favorably upon the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of telegrams, letters, petitions, and other messages pertaining to the firearms control legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL POLICE OFFICERS ASSOCIATION OF AMERICA,
Venice, Fla., May 8, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HRUSKA: The National Police Officers' Association of America, representing the interests of 480,000 law enforcement officers throughout the United States, wishes to reaffirm our statement of July 25, 1967, on hearings before the Subcommittee to investigate juvenile delinquency, in which we supported the principles of your bills, which are now incorporated into Amendment 708. Amendment 708 would be a satisfactory substitute for Title Four Section of Senate Bill 917, known as the Omnibus Safe Streets and Crime Bill.

Please call upon us any time we can be of service to you or the Subcommittee.

Sincerely,

FRANK J. SCHIRA,
Executive Director.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Chicago, Ill., April 18, 1968.

DEAR SENATOR: The National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their Mid-Winter Conference. A series of resolutions were passed at this Conference which we feel if implemented by legislation would greatly assist the prosecutor in the discharge of his difficult duties. We are enclosing a copy of these resolutions and we strongly urge that pending legislation be acted on without undue delay or legislation be considered which would give these proposals force and effect.

I need not go into the breakdown of law and order in our society today. We feel that many of the philosophies being expressed by certain individuals and groups offer serious threats to our traditional concept of a society based on order and liberty.

If we may be of any assistance to you we would be only too willing to cooperate in any manner.

Very truly yours,

PATRICK F. HEALY,
Executive Director.

RESOLUTION 5: FIREARMS CONTROL

Whereas, the easy accessibility to firearms is a significant factor in criminal homicides and other crimes of violence; and

Whereas, federal and state firearms control laws will assist law enforcement in reducing the number of offenses committed with firearms and will aid in the detection, arrest and successful prosecution of persons using firearms in the commission of crimes; now, therefore

Be it resolved, that the National District Attorneys Association supports efforts presently being made in the Congress to regulate the interstate and mail order shipment of firearms, over-the-counter sale of hand guns to out-of-state purchasers, and the sale of firearms to minors; and

Be it further resolved, that we urge the Congress to consider expanding such legislation to prohibit the sale of firearms to convicted criminals and to persons suffering from mental disorders; and

Be it further resolved, that we support legislation at the local level requiring the registration of all firearms.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 1, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: This will acknowledge receipt of your letter of April 26 sent via certified mail to request our opinion and position on Title IV of S. 917, the Omnibus Crime Control and Safe Streets Act, as approved by the Senate Committee on the Judiciary.

Time does not permit a thorough study of this proposed legislation by the National Wildlife Federation's officers, directors, and affiliated organizations prior to Senate debate which you have indicated will begin May 2-4.

The position of the National Wildlife Federation on firearms control has been made clear, however, in previous public hearings conducted by the Committee. In brief, we favor, (1) strict regulation and control of concealable weapons (pistols and revolvers); (2) we support existing regulations prohibiting the sale or interstate shipment of firearms to persons under indictment or convicted of a crime punishable by imprisonment for a term exceeding one year or is a fugitive from justice or is prohibited by state or local law from owning or possessing firearms; and (3) we firmly believe the importation, sale, shipment, use or ownership of destructive devices (such as bombs, bazookas, grenades, and other military type weapons or devices) by private citizens should be completely prohibited; not regulated as your amendments provide.

As we understand your proposal, it would repeal the Federal Firearms Act of 1938. We firmly believe this Act should *not* be repealed. If properly enforced, this Act could have been used to solve most of the current problems involved in the interstate sale and shipment of firearms to persons not legally entitled to possess them. Rather than repealing what we consider to be a very sound, workable law, we believe further amendment is necessary to assist local and state enforcement agencies in further regulating and controlling mail-order sales of concealable weapons to residents, or over-the-counter sales to non-residents, along the lines proposed in Senate Amendment 708.

Thank you for this opportunity to offer these comments and opinions. As you well know, the National Wildlife Federation has always supported adequate control, coupled with strict enforcement, over the sale, use, and possession of firearms by our citizens. We believe the basic answer to the crime problem in the United States is to resolve our current social problems and to educate all law abiding citizens on the proper, safe use of firearms and to severely punish those persons who deliberately misuse firearms or other weapons in the commission of criminal acts.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 2, 1968.

Hon. THOMAS J. DODD,
Chairman, Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: We have your letter of April 26 and the enclosures concerning your amendment which appears as Title IV of the Omnibus Crime Control and Safe Streets Act, S. 917.

In your letter soliciting our views, you state that "It would be helpful to the public in understanding this issue if you would forward to me your views on my proposed legislation.

"When this comes to debate in the Senate, I want to effectively present all positions to my colleagues for consideration before they vote on this measure.

"It is essential that the Congress understand the position taken by your organization before voting on this measure."

We are pleased to respond and do so in the expectation that this letter will be presented in full context to the Senate. This reply sets forth the views of conservationists who long have recognized the problems resulting from the misuse of certain firearms and destructive devices. Our recommendations for the revision and enforcement of existing laws are a matter of record in the printed hearings of the Subcommittee To Investigate Juvenile Delinquency.

We support strict controls over the interstate shipment of handguns as proposed in S. 1853, by Senator Hruska and others, that would strengthen the Federal Firearms Act. We prefer the provisions of that bill which require notification to local law enforcement officers and an adequate waiting period before a dealer may make delivery of a handgun. We also favor the provision in S. 1853 that would prohibit the interstate shipment of any firearm contrary to state laws.

We believe that the provisions of your Title IV which would prohibit completely, rather than regulate, interstate commerce in handguns discriminate against law-abiding persons. Such a prohibition holds maximum inconvenience for all sections of the country rather than focusing attention where it is required.

We have been advocating that grenades, bazookas, crew-served weapons and similar destructive devices should be regulated rigidly. This desirable control should be achieved by amendment of the National Firearms Act as contemplated in S. 1854, by Senator Hruska and others.

Sportsmen everywhere have asked the committee not to link sporting firearms with destructive devices. They have urged repeatedly that sporting firearms continue to be handled through the Federal Firearms Act and destructive devices through the National Firearms Act. Your Title IV treats them together and puts them in the criminal code.

We are hopeful that the corrective legislation that the sportsmen have been seeking will be enacted during this session. We believe the Senate should do this by adopting S. Amendment No. 708 that was offered on April 29, 1968, as a substitute for Title IV in S. 917. That amendment incorporates the widely supported features of S. 1853 and S. 1854.

Sincerely,

C. R. GUTERMUTH,
Vice President.

NATIONAL SHOOTING SPORTS,
FOUNDATION, INC.,
Riverside, Conn., May 1, 1968.

Senator ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: During Senate and House hearings on firearms legislation in 1967, the National Shooting Sports Foundation, Inc. testified in support of your S. 1853 to amend the Federal Firearms Act and your S. 1854 to amend the National Firearms Act.

We wish to inform you that we support your Amendment 708 as introduced in the Senate on April 29.

The National Shooting Sports Foundation, Inc. has 103 member companies which manufacture sporting firearms and ammunition, accessories, components and sports clothing; some of our members are publishers of outdoor and gun magazines and books. The company membership of our organization represents the major portion of the shooting industry.

We sincerely urge the passage of Senate Amendment 708.

Thank you,

CHARLES DICKEY,
Director.

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Washington, D.C., May 3, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: I have your letter of April 26, 1968, addressed to Mr. Franklin L. Orth, our Executive Vice President, and with which were enclosed (1) a copy of Title IV of S. 917, (2) a draft report on this title, and (3) a section-by-section analysis of your firearms proposal as most recently amended.

As I view Title IV, it appears to be essentially S. 1 with Amendment 90 but with rifles and shotguns removed from certain provisions, particularly the ban on the shipment or receipt of firearms in interstate or foreign commerce by non-federally licensed individuals.

The position of the National Rifle Association on S. 1 with Amendment 90 is well known. The Association made its views quite clear in public hearings before the Subcommittee on Juvenile Delinquency, Senate Judiciary Committee, in July 1967.

Although the prohibition on the movement of firearms in commerce, as reflected in Title IV, has been limited to handguns, the National Rifle Association still finds Title IV unacceptable because its basic orientation is that of total prohibition rather than regulation. In my opinion, nothing adduced so far in the many hours of hearings on the firearms control question over the last few years supports such an approach. NRA opposition is reinforced by the tone and content of the findings and declaration, the sweeping assertions of which are in my view gratuitous, unsubstantiated and indicative of the general "anti-gun" sentiments of the supporters of this legislation. Further, the opposition of the National Rifle Association to Title IV is not in any degree lessened by the announced intention of the proponents of this measure to reinsert rifles and shotguns under the ban now applying to handguns only when the measure is considered on the floor of the Senate.

The National Rifle Association has publicly supported a positive program for effective federal firearms controls. The pivotal elements of this program are S. 1853 and S. 1854, by Senator Roman L. Hruska of Nebraska, to provide for a certified statement approach for the receipt of handguns in commerce, and to regulate "destructive devices" under the registration and heavy tax provisions of the National Firearms Act. These bills have now been submitted as Amendment 708, a substitute for Title IV. The Association is in full accord with and categorically supports this Amendment.

The charge has been frequently made that NRA members and sportsmen generally have been misinformed with respect to S. 1 with Amendment 90. It seems to me, this charge must be predicated on the assumption that those who oppose do not read their newspapers, listen to radio or watch television. I assure you, from the mail I receive, that the membership of NRA is not misinformed and overwhelmingly supports the position expressed here.

You may be sure the National Rifle Association greatly appreciates the opportunity to reiterate its stand on firearms legislation soon to be considered by the Senate.

Sincerely,

H. W. GLASSEN,
President.

SPORTING ARMS AND AMMUNITION
MANUFACTURERS' INSTITUTE,
New York, April 30, 1968.

Senator THOMAS J. DODD,
Chairman, U.S. Senate Committee on the Judiciary, Subcommittee To Investigate Juvenile Delinquency, Washington, D.C.

DEAR SENATOR DODD: Your letter of April 26, 1968 addressed to Mark K. Benenson, 420 Lexington Avenue, New York, was received on April 29. Mr. Benenson is counsel for the New York Sporting Arms Association located at 114 Chambers Street, New York, N.Y. 10007. This is an entirely separate organization from the Sporting Arms and Ammunition Manufacturers Institute of which I am Secretary-Treasurer. I forwarded a copy of your letter to Mr. Benenson. He will no doubt reply to you on behalf of the New York Sporting Arms Association. The following is the reply of the Sporting Arms and Ammunition Manufacturers Institute.

Since you need a response to your letter within a day or two after its receipt, and in view of the diversity of our membership, we cannot set forth a specific position on Title IV, S. 917 as you have requested. The individual views of the member-companies could be obtained by contacting them directly.

However, we have testified before committees of both the House and Senate in favor of firearms legislation which regulates rather than prohibits the interstate shipment of handguns and which prohibits the interstate shipment of any firearms in contravention of state laws. For years we have supported the ideas which are best expressed in the Hruska bills, S. 1853 and S. 1854, now identified as amendment 708 to S. 917. We are hopeful that firearms legislation such as that proposed by Senator Hruska can be promptly enacted.

These views generally represent the attitudes of our membership, and undoubtedly will be expressed by Senator Hruska and other members of the Senate who support amendment 708 to S. 917. We appreciate your contacting us and requesting our views on this matter.

Sincerely,

HARRY HAMPTON,
Secretary-Treasurer.

OUTDOOR WRITERS ASSOCIATION
OF AMERICA, INC.,
Columbia, Mo., May 1, 1968.

Hon. ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HRUSKA: In a letter to you of last July 5, it was reported that members of the Outdoor Writers Association of America, in this organization's annual convention of June 22, 1967, endorsed the principles of Senate Bill S. 1853 and S. 1854 by unanimous vote. A copy is attached.

In attendance at this convention were members from 41 of the 50 United States and the District of Columbia; inclusive of newspaper, magazine and book textual writers, photographers, radio-TV broadcasters and lecturers in the broad fields of outdoor recreation and natural resources.

It is my pleasure to inform you that the endorsement applies to the present form of this proposed legislation as expressed in pending Amendment 708 of Omnibus Crime and Safety in the Streets bill.

Respectfully yours,

DON G. CULLERMORE,
Executive Director, OWAA, Editor, Outdoors Unlimited.

Whereas, Senator Roman Hruska has introduced S. 1853 to amend the Federal Firearms Act to tighten controls on interstate shipment of firearms, similar to a bill introduced in the U.S. House of Representatives by Rep. Cecil King, and,

Whereas, Senator Hruska has introduced S. 1854 to amend the National Firearms Act to place tighter controls on heavy military ordnance termed "destructive devices," and,

Whereas, the intent of these bills is to preserve the rights of all hunters and other recreational shooters to be able to continue enjoying the shooting sports,

We, the Outdoor Writers Association of America, do hereby endorse the principles of Senator Hruska's bills as introduced in the 90th Congress.

JACKSON, N.H.,
May 3, 1968.

Senator ROMAN HRUSKA,
U.S. Senate Building,
Washington, D.C.

The officers board of directors and membership of the New England Outdoor Writers Association wish to go on record in support of Hruska Amendment 708 to S. 917 and express vigorous opposition to Senator Dodd Title Four Amendment to S. 917.

DAVID O. MORETON,
Executive Secretary, New England Writers Association.

SOUTH EAST OUTDOOR PRESS ASSOCIATION,
May 6, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HRUSKA: The South East Outdoor Press Association, representing

working writers and photographers in the outdoor field, firmly supports in principle your Amendment 708.

We advocate your position as reasonable, workable and effective.

Very truly yours,

DAVID DALE DICKEY,
President.

MAY 1, 1968.

Senator THOMAS J. DODD,
Chairman, Committee on the Judiciary, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: To reply to your letter of 26 April, 1968, in which you asked for a forwarding of my views on your proposal now amended and known as Title IV to S. 917, I would have the following comments:

Our position on this matter of firearms legislation is as it was when I testified before your Subcommittee on Juvenile Delinquency on 20 July, 1967. We do not concur with and object strongly to the Statement of Findings which form the first section of this amendment and we are opposed to the general philosophy and thinking indicated in this measure.

We most strongly support, as previously indicated in our testimony, legislation such as the Hruska bill for the reasonable control of Interstate traffic in handguns and the many other beneficial yet safeguarded features that this measure contains. We further feel a license fee of $10.00 a year following an initial license fee of $25.00 per year will force many legitimate small town hardware stores and general supply stores from the firearms business and we fail to see any connection between such a license fee increase and crime control. We would pose no objection to a modest license fee increase.

We further feel that control of importation surplus firearms should remain in the Department of State.

Very truly yours,

GAME AND PARKS COMMISSION,
FRANK FOOTE,
Section Chief, Division of State Parks.

TALLAHASSEE, FLA.
May 3, 1968.

Senator ROMAN L. HRUSKA,
Old Senate Office Building,
Washington, D.C.:

We heartily support your amendment No. 708 to S. 917. The sportsmen of this country most sincerely appreciate your reasonable approach to firearms legislation.

O. E. FRYE,
Director, Florida Game and Fresh Water Fish Commission.

RICHMOND, VA.,
May 3, 1968.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.:

The Virginia Commission of Game and Inland Fisheries with concurrence of the sportsmen of this State, has unanimously opposed anti-gun legislation now incorporated in title IV of S. 917 and endorsed the sound approach to effective firearms control offered by amendment 708 parts A and B. We urge Senators to adopt amendment 708 to S. 917 as substitute for present title IV of the bill.

CHESTER F. PHELPS,
Executive Director, Virginia Commission of Game and Inland Fisheries.

STATEN ISLAND, N.Y.
May 2, 1968.

Senator HRUSKA,
U.S. Senate,
Washington, D.C.:

The Staten Island Federation of Sportsmens Club, Inc., of 3,000 members opposes the Dodd amendment the crime in the streets bill and support your amendment 708.

EDWARD L. BURTURE,
President.

READING, PA.,
May 4, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

Our organization, including 41 clubs and 16,000 members, urges to you to push for passage of Amendment 708 to Senate Bill 917.

BROOKE FOCHT,
Secretary, Federated Sportsman's Clubs of Berks County.

NEW YORK, N.Y.,
May 1, 1968.

Hon. ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

The following rifle and pistol clubs of New York City urge passage of Amendment 708 and the defeat of the Dodd Amendment, Knickerbocker; Uptown; Latin-American; Interboro; Chester; 8th Regiment Vets; Eclipse; Winchester; 4th Estate; Palmach; and Trail's End.

HOWARD ROTH,
President, Bronx County Sportsman's Federation.

ERIE, PA.,
May 5, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.:

We the members of the Erie County Council of Federated Sportsman's Clubs 5,097 strong representing 17 Sportsman's Clubs in Erie County, Pennsylvania, support Senator Hruska's amendment 708 Senate Bill 917.

ERIE COUNTY COUNCIL FEDERATED SPORTSMAN'S CLUBS.

MAPLEWOOD, N.J.
May 5, 1968.

Senator ROMAN HRUSKA,
Washington, D.C.:

Association of New Jersey Rifle and Pistol Club Incorporated representing 33,000 NRA members in that State of New Jersey support the Hruska Bill as stated in amendment 708 to S. 917 since we are strongly in favor of sensible fire arms legislation.

CARL E. KASTNER,
Secretary.

NEW YORK STATE CONSERVATION COUNCIL, INC.,
Troy, N.Y., May 2, 1968.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: The New York State Conservation Council has in the past, as an organization of over 350,000 members, and through its member Clubs, indicated its support and endorsement of S–1853 and S–1854, and our opposition to the many versions of the Dodd bills.

It has come to our attention that these bills may be substituted as Amendment No. 708, in place of the Dodd Amendment to the Safe Street Bill.

Our organization would appreciate any efforts on your part to make our position known to the Congress.

Sincerely yours,

LOVELL E. COOK.

CITIZENS COMMITTEE FOR FIREARMS LEGISLATION, INC.,
Belle Mead, N.J., May 1, 1968.

Senator ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Please be advised that our Committee, representing over 100,000 citizens and sportsmen in the State of New Jersey, earnestly supports your efforts in effecting the passage of Amendment 708 to S917, the Omnibus Crime Bill.

We have consistently deplored the so called "Dodd Bill" when certain other influences changed his original bill, and we continue to oppose efforts to sneak that bill through with the guise of attaching it to another bill.

We are working to pass a stronger sensible firearms law here in New Jersey, since we have witnessed and documented the ineffectiveness of the recent N.J. Antifirearms law, that presently harrasses the honest citizen, while the crime has risen in N.J. over the past two years.

We feel that your bill should be considered on its merits, and passed after due consideration. We are strongly opposed to many features of the Dodd Bill.

Sincerely,

L. A. BURTON,
Secretary.

THE NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC.,
May 2, 1968.

Re Amendment 708.
Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: The thousands of members and member Clubs of this Association has repeatedly endorsed the Hruska Bills S–1853 and S–1854 and repeatedly opposed the Dodd Bills.

We have been informed that these bills may be substituted for the Dodd bill amendment to the Safe Street bill.

Such action would be in the best interest of the Public and has our wholehearted support.

We would appreciate your efforts in making this position known.

Sincerely,

MICHAEL PETRUSKA,
Legislative Director.
FRANKLIN VOLK,
President.

PRIVATE DETECTIVES ASSOCIATION OF NEW JERSEY, INC.,
Union City, N.J., May 2, 1968.

Re Omnibus Crime Bill.
Senator ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Our complete membership is in full agreement with your Amendment 708 to the Omnibus Crime Bill, S917.

We are in active opposition to the so-called "Dodd Bill" being attached to the Omnibus Crime Bill. We agree that your approach is best, and you may rely on us for any further support you may deem necessary.

Sincerely,

CORNELIUS H. GRONDIN, Jr.,
Legislative Chairman.

N.J. SPORTING GOODS DEALERS AND MANUFACTURERS ASSOCIATION,
Milltown, N.J., May 2, 1968.

Senator ROMAN HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The New Jersey Sporting Goods Dealers and Manufacturers Association desires that the omnibus crime Bill No. S197 should not contain any legislation concerning firearms. Legislation concerning firearms should be in a catogory of its own, not tagged on to another bill.

If it must be considered with S197, the New Jersey Sporting Goods Dealers and Manufacturers Association favors the Hruska Amendment No. 708 rather than the Johnson-Dodd Bill.

In lieu of either the Johnson-Dodd Bill or Hruska bill, we suggest the following procedure enclosed with this letter.

Very truly yours,

HERMAN TREPTOW,
Vice-President.

TO ROMAN HRUSKA:

All out of state purchases of pistols and revolvers shall be made through purchasers local chief of police.

Permits for same to be supplied by U.S. Post Office Dept. and made available at all U.S. Post Offices.

Purchaser makes application on official blank and submits same to chief of police.

If chief of police okays purchase, he signs application blank and he personally inserts applicants official order and his check or money order to cover in official police department stationery and police department mails same.

THE OHIO GUN COLLECTORS ASSOCIATION, INC.,
April 29, 1968.

Hon. ROMAN L. HRUSKA,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR HRUSKA: Enclosed with this letter is a copy of a letter to Senator Dodd stating that the Arms Collector groups and associated Sportsmen's groups which I represent oppose the addition of S. 1, or Amendment 90 or any watered-down portions of those bills to the Crime Bill, S. 917.

Please believe that we heartily endorse the provisions as you have presented them in S. 1853 and S. 1854, and that our membership has now increased not less than 12 percent over that of last July (1967) when our testimony was presented before the Senate Subcommittee to investigate Juvenile Delinquency.

Sincerely,

P. L. SHUMAKER,
Chairman, Legislative Committee.

THE OHIO GUN COLLECTORS ASSOCIATION, INC.,
April 29, 1968.

Hon. THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR MR. DODD: Thank you for your letter dated April 26, 1968.

However, the Arms Collector groups and recognized Sportsmens' groups which I represent remain opposed to S. 1, or Amendment 90 to S. 1, or to portions of those Bills which are proposed to be added to S. 917 (as Title IV).

We will support S. 1853 and S. 1854 as proposed by Senator Roman Hruska, and have so notified our Senators.

A copy of this letter is being sent to Senator Hruska for his information.

Respectfully submitted.

P. L. SHUMAKER.

DALLAS, TEX.,
April 29, 1968.

Re: S. 917, Title IV (S. 1—Amendment 90 as Revised).

Senator THOMAS J. DODD,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR DODD: Your letter of April 26 and the enclosures regarding the above legislation have been received and I feel honored that you have requested my opinion on the proposed Title IV.

Senator, if Title IV is presented to the Senate on the theory that it will in any way aid in reducing crime, then the entire Title IV should be stricken. It will do nothing except encumber the law-abiding private citizen's right to acquire firearms. The bill does not regulate, it prohibits! Not one criminal will comply with this Act; on the contrary, he will simply steal your pistol, or break into a gun store and take what he desires. Has this not been made clear by all of the recent difficulty we have had in the streets of this country? I respectfully remind you that Attorney General Clark, in his testimony before Committee No. 5 of the House Judiciary Committee, stated that this bill will only "reduce the probability" of guns falling into wrong hands, and this is set forth on pages 275 and 276 of the House Hearings, 1967.

My position on this bill is made clear in the printed hearings before your Committee at pages 639 et seq. I cannot help but feel that your S. 1591 as presented in the 89th Congress and Senator Hruska's S. 1854 in the 90th, both dealing with the regulation of "destructive devices," could be of some aid, and you will note my remarks regarding this in the printed hearings.

On behalf of the National Skeet Shooting Association I respectfully suggest that this package submitted as Title IV is step No. 1 to disarming procedures aimed at the private citizenry, and I respectfully urge that it be removed in total from the bill.

Sincerely yours,

JOE H. MCCRACKEN III.

RARITAN BAY ROD AND GUN CLUB, INC.,
Perth Amboy, N.J., May 2, 1968.

Re: Omnibus Crime Bill.

Senator ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Our entire membership is in full accord with your Amendment 708 to the Omnibus Crime Bill, S917.

We agree that your approach is best and are in active opposition to the so-called "Dodd bill" being attached to the Omnibus Crime Bill. We wish to assure you of any further support you may deem necessary.

Sincerely,

CORNELIUS H. GRONDIN, JR.

Mr. HRUSKA. Mr. President, I yield the floor and yield back the remainder of my time.

Mr. METCALF subsequently said: Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from Nebraska, Senator HRUSKA with respect to amendments to the Federal Firearms Act and the National Firearms Act.

Senator HRUSKA has quite properly stated the objective of such legislation: It is to "keep the firearms out of the hands of the wrong people—those who misuse them."

My views on the misuse of firearms are based on my own understanding of the problem and the hundreds of suggestions I have received from Montanans for whom I speak. I am sure my experience in this matter is similar to that of other Members of Congress who returned to their respective States after adjournment. I found Montanans vitally concerned with the kind of firearms legislation that may ultimately be enacted. As would be expected, their concern ranged over a broad front, extending from the individual right to possess and use firearms for legal purposes of all kinds, including defense of family, home, and property, to the continuance of the very substantial hunting and recreational service industry that the sporting use of firearms supports in Montana. There is concern, too, about the continuation of State wildlife management programs supported entirely by the license fees paid by hunters and by the Federal excise taxes they pay on sporting arms and ammunition. In Montana, as in other States, hunters pay the bills for necessary wildlife management and restoration programs as well as maintain the food, transportation, equipment, and allied businesses that service their needs. Furthermore, Montanans want firearms restrictions to apply directly to criminals and the criminally inclined, rather than to the vastly greater number of law-abiding citizens, as Senator HRUSKA has so ably said.

I fully share the concerns of Montanans in this regard, Mr. President. As they do, I support corrective amendments to the Federal Firearms Act and to the National Firearms Act that hold promise, with vigorous enforcement, of reducing the criminal misuse of sporting firearms and the so-called destructive devices. I question whether the existing Federal Firearms Act has been enforced with sufficient vigor, and I believe that many of the abuses the committee now hears about would not have taken place had this been done. Clearly, the Federal Government has been lax in discharging the responsibilities it assumed under that act. Many of the complaints we hear can be attributed to this laxity. Nevertheless, it is clear, as experience has shown, that some additional amendments would help the States in preventing the interstate acquisition of firearms by persons in violation of State laws or regulations. It is this traffic, the record shows, that contributes largely to the criminal misuse of firearms. It is through this route that many criminals, alcoholics, addicts, and juveniles circumvent State or local restrictions against their acquisition and possession of firearms.

The goal of any legislation that is considered should be to provide the utmost Federal assistance to State and local government in curbing traffic in concealable weapons that is contrary to State and local law. These are the firearms that figure most prominently in crime. Because of their concealability and lack of bulk, handguns are the firearms favored by criminals and the criminally inclined. They are the firearms most used in premeditated crime. I believe that the flow of pistols and revolvers to certain individuals can be slowed by the enactment of appropriate legislation and by its subsequent vigorous enforcement. All interested persons should realize, however, that it would be unrealistic and inaccurate to assume that any legislation ever would end the misuse of firearms or, for that matter, of automobiles, narcotics, alcohol, or kitchen knives.

Certainly, it is reasonable to expect that any State or local unit of government, experiencing difficulty with the misuse of firearms, should have enacted or should enact laws pertaining to the possession of firearms to meet its own specific purposes. What these units of government need now, because local laws are being circumvented by the out-of-State purchase of firearms, is a relatively uncomplicated and straightforward act to close this loophole.

I believe that this would be done by the enactment of the amendment proposed by the senior Senator from Nebraska

[Mr. HRUSKA]. I believe that this proposal closes the loopholes that have been causing the most trouble, makes certain other needed corrections in the Federal Firearms Act, properly establishes restrictions on interstate traffic in the problem handguns, while at the same time assuring the least inconvenience to the millions of citizens who own and use firearms for lawful purposes. Legislation of this kind as we have seen has the support of all of the major sporting and shooting organizations as well as of individual sportsmen across the country.

Contrary to some of the statements that have appeared in the press, I find that sportsmen do believe that improvements can be made in the Federal Firearms Act. They do believe that some improvements are necessary and that these amendments are workable, realistic, and hold promise of effectiveness. They hold the promise of helping the State and local governments to enforce laws and regulations that respond to conditions as they exist in various sections of the country. They do not seek to invoke a broad national ban on firearms. Rather, the recommended amendments recognize that conditions vary widely through the country and that a ban or prohibition that may be desirable in one State or local area may not be in the best interest of another.

Before concluding, I want to comment on another legislative matter that has the strong endorsement of sporting groups throughout the country. This is the control of destructive devices, automatic weapons and others that can only be used for war materiel. From letters I have received and from copies of resolutions that have passed over my desk, there can be no misunderstanding about the desire of all Americans to bring crew-served weapons and other of the destructive devices under prompt control.

Unfortunately, some persons prefer to persist in thinking that sportsmen object to such control. Nothing could be further from the truth. Sportsmen want destructive devices controlled, but they want the control to be accomplished by an amendment to the National Firearms Act, the so-called Machinegun Act, rather than through the Federal Firearms Act, which applies solely to sporting firearms. There is a clear distinction between machineguns and weapons of that kind and sporting firearms. Machineguns, hand grenades, and the heavy ordnance of war have a use and a purpose separate and apart from sporting firearms. That is why we have a Federal and a National Firearms Act.

Personally, I doubt if we ever will see the day when sportsmen will agree to lumping sporting firearms and destructive devices into the same basic law. I am confident that a destructive device amendment to the National Firearms Act could have been enacted by now had it not been for the ill-advised persistence of some persons to link such weaponry with sporting firearms.

I have sought in these brief remarks to show that there is positive support for certain corrective firearms legislation in Montana and throughout the Nation. This support is based on the belief that Federal legislation should assist, rather than usurp, State and local authority to deal with the firearms problem as it may exist. There is no justification, in my opinion, in attempting to blanket the entire country with restrictive legislation when the criminal misuse of firearms is largely a local or regional problem.

Maximum, but realistic, effort should be made to restrict the interstate traffic in concealable weapons, the kind of firearms that are used most prevalently in the commission of armed crime. Much of the difficulty that has been encountered, especially in the centers of population where armed crime is most prevalent, would be overcome by more vigorous law enforcement and by greater attention in the courts. The failure to provide such enforcement and the laxity of some courts have contributed to the current problem.

Corrective legislation along the lines proposed by Senator HRUSKA, plus better enforcement all the way from the streets to the courts, will do much to solve the problem with which all law-abiding persons are concerned.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may make two unanimous-consent requests without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Flood Control of the Committee on Public Works be authorized to meet during the session of the Senate today; and I also ask unanimous consent that the Subcommittee on Executive Reorganization of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Agriculture and Forestry be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1224) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968, was read twice by its title and referred to the Committee on Armed Services.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. DODD. Mr. President, I yield myself as much time as I may require. I hope it will not be long.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a copy of a letter that I wrote to Members of the Senate, and a chart and a memorandum, which were delivered this morning.

There being no objection, the letter, chart, and memorandum were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., May 15, 1968.

Hon. ———,
U.S. Senate,
Washington, D.C.

DEAR ———: I have had several inquiries as to the specific differences between Title IV of S. 917, the Administration's firearms control bill, and Senator Roman L. Hruska's substitute, Amendment No. 708.

Because of the complexity of these proposals, I am attaching a chart for your information comparing the firearms controls that would be established by each of these measures. I am also enclosing a memorandum which points out many serious weaknesses and inadequacies in Amendment No. 708 as compared to Title IV.

As you can see, Senator Hruska's Amendment does not place a reasonable burden on the dealer to ascertain the legitimacy of the prospective purchaser either adult or juvenile. It does not propose licensing of all dealers, thus allowing fly-by-night traffickers to sell firearms to non-residents. And, it is ambiguous in restricting gun sales to fugitives and indicted persons.

Furthermore, the Amendment would not prohibit the *intrastate* sale of firearms to felons. It would not prohibit the *instrastate* sale of handguns to persons under 21 years of age. And it would not prohibit the *intrastate* sale of firearms in violation of state or local laws.

Amendment No. 708 places excessive reliance on the sworn statement. That is a dubious control device which has been called *inadequate and worthless* by all of the Federal and state law enforcement witnesses who testified at our hearings. It is a device the

net effect of which would be to overburden the even now undermanned and overworked police departments throughout the nation. For example, a crippling flaw in the sworn statement approach is that it cannot cope with the habitual criminal, who is often a transient person. He usually has a police record in several cities. The only way a police department could be positive about a prospective gun buyer's criminal record would be to obtain an F.B.I. record check. This could result in millions of such record checks being requested from the Bureau which is obviously not feasible.

I hope that the attached documents will be helpful to you in the course of our deliberation of these proposals.

With kindest regards, I am

Sincerely yours,

THOMAS J. DODD,
Chairman.

SHORT COMPARATIVE ANALYSIS OF TITLE IV AND THE HRUSKA AMENDMENT NO. 708

CONTROL PROVISIONS	TITLE IV	AMENDMENT NO. 708
1. *Scope of coverage*	Controls *all sales* of firearms by federally licensed dealers, manufacturers, and importers.	Controls interstate shipment, transportation and receipt of firearms. Amendment No. 708 does not restrict *intrastate sales.*
	Interstate	
2. *Interstate* mail order sale of handguns.	Regulates (channels through local dealers).	Regulate with purchaser's sworn statement.
3. *Interstate* (non-resident) over-the-counter sale of handguns.	Regulates (channels through local dealers).	Regulate with purchaser's sworn statement.
4. All sales of firearms including *Interstate* sale of rifles and shotguns to felons.	Prohibits.	Prohibits interstate shipment to felons.
	Intrastate	
5. *Intrastate* sales to *anyone.*	Regulates. (Identifying information, name age and address, must be obtained and must be kept in files. Failure to do so is a violation of the Title.)	(Retains existing law requiring name and address.)
6. *Intrastate* sales of firearms to *felons.* (Handguns and long guns)	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
7. *Intrastate* sale of handguns to *persons under 21.*	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
8. *Intrastate* sales in violation of state and local gun laws.	Prohibits.	No provision. (Does not restrict *intrastate sales.*)
	Imports	
9. Import controls.	Prohibits import of surplus handguns and other nonsporting firearms.	Restricts import of destructive devices under National Firearms Act.
	Destructive devices	
10. Destructive Devices.	Requires police clearance to purchase.	Impose transfer tax of $200 under National Firearms Act.
	Licensing	
11. Licensing.	Licenses *all* dealers, manufacturers and importers in Firearms business. (This includes *intrastate* as well as *interstate.*)	Licenses only *interstate* dealers and manufacturers.
12. Standards for Licensees.	Title IV would deny a license to: (1) a person under 21 years of age. (2) a felon, a fugitive or person under indictment for a felony. (3) a person who has violated any provision of the Title. (4) a person who has falsified his application. (5) *a person who is not likely to conduct operations in compliance with the Title's provisions.* (6) *a person who has no business premises.*	No. 708 would only deny a license to: (1) a person under 21 years of age. (2) a felon, a fugitive (crime of violence) or person under indictment for a crime of violence (3) a person who has violated any provision of the Act. (4) a person who has falsified his application. These weak standards mean: (a) A person with no place of business could be licensed, such as those who operate on the street corner or out of a truck, *persons who we have found to be indiscriminately selling guns to juveniles and criminals.* (b) An *intrastate* dealer *would not have to be licensed* and could carry on a business with no Federal controls. (c) It would allow the 25,000 people who now own Federal licenses and are not *bona fide* dealers to keep them and continue to avoid compliance with important provisions of the Title. *If you can afford ten dollars, you are a dealer.* We are thus carrying over a major flaw in the present law. (d) It encourages persons to obtain licenses to evade the requirement of a sworn statement on mail order and non-resident sales, thus skirting state and local gun laws.

MEMORANDUM: COMPARISON OF AMENDMENT NO. 708 AND TITLE IV

The stated objective of both Title IV and the substitute amendment, No. 708, is to permit state and local laws controlling the use and possession of firearms to be effectively enforced. The greatest obstacle to effective enforcement of these laws is the ready *availability of firearms in other states with few or no controls, and interstate mail-order shipment of firearms.*

Title IV would meet this problem by channeling all interstate sales of all firearms other than rifles and shotguns through locally licensed dealers, which would allow maximum effective use of state and local law.

However, Amendment No. 708 uses a cumbersome and much less effective system of non-notarized sworn statements and notification of intended delivery of *handguns* only to local law enforcement.

The deficiencies of the latter approach have been underscored by virtually every law enforcement official who testified before the Subcommittee.

Below is an analysis of the major deficiencies in that approach.

This procedure will not effectively prevent persons not entitled by the law of their residence to possess such weapons for the following reasons:

Local law enforcement will be greatly overburdened in having to verify the contents of each sworn statement. For example, to check a person's criminal record may require searching not only local but national files. Court records locally and elsewhere must be checked to determine if the individual is under indictment, legally incompetent, or otherwise ineligible.

Many state and local jurisdictions have no gun control regulations. It is doubtful that in those situations local law enforcement would investigate to determine whether the

proposed shipment is to a person prohibited from receiving it under Federal law (e.g., a convicted or indicated felon).

There is no requirement that the statement be notarized or even witnessed. Nor is there any requirement for a photograph or fingerprints. Therefore, local law enforcement will also be required to determine the authenticity of the signature, presumably by direct contact with the purported applicant. And there is absolutely no guarantee of any kind that the sworn statement is correct or that it is even sworn to.

The federal licensee is apparently under no obligation not to complete an over-the-counter sale even if notified by local law enforcement of the applicant's residence that the applicant is ineligible to purchase. In mail-order situations a licensee is prohibited from shipping to a person ineligible to receive under state or local law (Section 2(c)); *but there is no parallel provision with respect to over-the-counter sales to non-residents whose state or local law would prohibit receipt or possession of the firearms.*

The provision only applies to handguns. A licensee may apparently sell any other firearms such as machine guns, mufflers, silencers, etc., over-the-counter to any purchaser, regardless of age, known criminal background, or known ineligibility under state or local law.

The affidavit procedure and waiting period is only required for sales to unlicensed persons. Amendment No. 708, however, makes no significant qualification for applicants for dealer licenses. Any individual over twenty-one years of age who is not a felon and who has not violated the act is apparently eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage *bona fide* in the business of selling firearms. Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not engaged in the business, this failure to increase the requirements for such a license creates a major avenue of evading even the limited affidavit—waiting period procedure. (This same situation has rendered the present act useless.)

Only licensees are required to comply with the affidavit-waiting period procedure in sales or shipments of handguns to non-residents. Thus, *unlicensed* persons may sell at will any firearms to non-residents, or ship them in commerce as long as they do not do this so regularly as to become dealers.

The affiant must state that his "receipt" of the handgun is not in violation of the law of his residence. This statement would be of little effect in over-the-counter transactions for the law of another state *could not prohibit* "receipt" of a firearm by its residents beyond its jurisdiction.

CONTROL OF SALES TO JUVENILES

Amendment No. 708 establishes very weak control of sales to juveniles. The only provisions affecting such sales are the requirements that non-residents purchasing handguns by mail order or over-the-counter state in their sworn statement that they are over twenty-one years of age, and that common or contract carriers not deliver handguns to any person with knowledge or with reasonable cause to believe that such person is under twenty-one years of age, or other firearms to persons under eighteen years of age.

Under Amendment No. 708 no licensee is prohibited from *selling* any firearm to *any* person regardless of age.

Although there is a requirement that any manufacturer or dealer (apparently whether or not licensed) must notify the carrier in writing of the contents of a package containing any handgun, no similar provision applies to contents of a package containing "any firearm". Thus, the prohibition on delivery to persons under eighteen is unlikely to be effective.

The affidavit provisions requiring a sworn statement that the purchaser is twenty-one years of age apply only to handguns, and then only for mail orders and over-the counter sales to non-residents.

Even where the affidavit is required, there is no prohibition on completing the sale even if the licensee knows or has reason to know that the applicant is under twenty-one.

SALES AND SHIPMENTS TO CONVICTED OR INDICTED FELONS AND FUGITIVES FROM JUSTICE

Amendment No. 708 does not specifically prohibit a federal licensee from selling over-the-counter to a *known criminal*, including felons, fugitives, and indictees for felonies, as does Title IV. This omission could be particularly significant in the case of pawnbrokers who frequently know or have reason to know of the criminal background of some of their clients, but who under the substitute amendment may sell to such a person with impunity.

Amendment No. 708 is now very ambiguous with respect to coverage of convicted and indicted persons. Under its predecessor bill, S. 1853, the only criminals or indictees affected were those who had been convicted or indicted for a "crime of violence". "Crimes of violence" were specifically defined to include enumerated offenses. (Only "crimes of violence" had been included in the Federal Firearms Act prior to a 1961 amendment. In 1961 this coverage was expanded to include persons indicted or convicted of an offense punishable by imprisonment for more than one year.) The substitute amendment now defines "indictment" and "fugitive from justice" in terms of "crimes of violence". The definition of "crimes of violence", however, has been deleted. Moreover, all operative sections are in terms of crimes punishable by imprisonment for more than one year. Are "indictments" in the operative sections limited to "crimes of violence" so long as the crime of violence is punishable by imprisonment for more than one year? If so, narcotics offenders and gamblers, presumably not indicted for a "crime of violence" would not be covered. Nor would persons indicted for violation of federal firearms laws.

DEFICIENCIES IN LICENSING REQUIREMENTS

The most important provision in amendment No. 708 is the affidavit-waiting period requirement for shipments or sales of handguns to non-residents. However, this requirement only applies to non-residents who are not licensed. The ease by which a person may obtain a license is therefore a critical weakness of this aspect of the substitute amendment.

The only substantive requirements for such a license under Amendment No. 708 are: (1) that the applicant be at least twenty-one years of age; (2) that the applicant not be under indictment or be convicted for a crime of violence (or felony, depending on construction), or be a fugitive from justice; (3) that the applicant not have willfully violated any provisions of the Act or regulations, and (4) that the applicant not willfully fail to disclose any material fact in connection with his application. In contrast, Title IV requires, in addition to the requirements of the substitute amendment, that: (5) *the applicant be likely to conduct business operations in a lawful manner during the term of the license; and (6) that the applicant have business premises for the conduct of business.*

Amendment No. 708 does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport or receive firearms in interstate commerce. Thus, it is possible that substantial firearms business could be conducted by a person with no federal license, *including over-the-counter sales of handguns or other firearms to non-residents without complying with the affidavit procedure.* For example, a pawnbroker who deals only in second-hand firearms might not be required to obtain a license. Or a dealer could operate in one state by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring state residents, without having to comply with the affidavit procedure.

Amendment No. 708 includes record keeping requirements, but they are considerably weaker than in Title IV. Each licensee is required to maintain records required by the Secretary, *but there is no provision for criminal penalties for failure to do so.* Title IV, on the other hand, puts the licensee under a strong obligation, with criminal sanctions, to maintain a specific record of the name, age, and place of residence of each purchaser of a firearm. Willful failure to maintain required records, or entry of false information thereon, also are violations of Title IV. (This would have applied to the Martin Luther King assassination weapon).

OMISSION OF RESTRICTIONS ON IMPORTS

One of the serious omissions of the substitute amendment is any control over imported firearms other than minimal control over the importation of destructive devices. Title IV prohibits importation of arms which the Secretary determines are not suitable for research, sport or as museum pieces. There can be no justification for continued wholesale dumping of war surplus merchandise on the American civilian market. The existing controls of the Mutual Security Act of 1954 are inadequate. That Act, administered by the State Department, relates to relations with foreign nations, and is not designed to protect citizens domestically. Under the substitute amendment firms in Canada or Mexico, licensed under the liberal provisions of the Mutual Security Act, could ship into the United States or sell to United States residents most firearms, including handguns, without even complying with the affidavit procedure.

Mr. DODD. Mr. President, I take the Senate floor for the purpose of discussing the deficiencies of Senator HRUSKA's substitute, amendment No. 708.

I do not take this matter lightly, for I believe that the Hruska substitute is so inadequate, so unenforceable, and so burdened with the philosophy of the gun lobby that to enact it would be a travesty comparable only to the passage of the woefully inadequate Federal Firearms Act in the 1930's.

In those years it was the same voice and the same lobby that reduced that legislation to a condition of general and pathetic inadequacy.

History cannot and should not repeat itself on the gun issue.

The 90th Congress can and must enact strong, enforceable gun control legislation.

The Hruska substitute does not meet these standards.

The deficiencies of the Hruska substitute are many.

These deficiencies were attested to by every witness, other than those representing the gun interests, who appeared before the Juvenile Delinquency Subcommittee during hearings on the legislation.

I intend to discuss each of the major shortcomings of the Hruska substitute at length, but first there are three major

concerns which the Senate must be made aware of.

First, the Hruska substitute would not assist law enforcement.

True, the Senator from Nebraska tells us that it would. But the only people who agree with him are the National Rifle Association and that minority of sportsmen who have been duped by gun lobby propaganda.

Let use see what the law enforcement people have to say about the Hruska bill.

They say it would hinder, inconvenience, and strain the resources of our law-enforcement agencies throughout the land.

Ramsey Clark, Attorney General of the United States, told the subcommittee that the affidavit approach in Hruska's bill would "impose a burden and an unnecessary burden on the law-enforcement officer." He testified that the affidavit approach "is not efficient," and in his judgment, "it would not prove effective."

Sheldon Cohen, the Commissioner of Internal Revenue, the man who would enforce the new law, referred to the Hruska affidavit approach as "cumbersome, imposing burdens on both buyer and seller."

Quinn Tamm, the executive director of the International Association of Chiefs of Police, in commenting on the major control provision in the Hruska bill said:

> May I say that, having been in charge of the largest fingerprint collection in the world in the FBI, the affidavits bearing the names and partial descriptions of individuals, as far as identification is concerned, are *absolutely worthless. They have no value. They would serve no purpose . . .*"

Second, the Hruska substitute is the gun-lobby approach, and nothing more than that.

In fact, their support of this substitute is reminiscent of the 1930's when the National and Federal Firearms Acts were being considered. At that time the Congress was asked to pass meaningful and reasonable controls over long guns, but it caved in under pressure from the gunrunners.

There was a meaningful bill which had been introduced by Senator Royal Copeland, and which, as is the situation today, had the support of the American Bar Association, the law-enforcement agencies of the country, and just about everyone concerned with the safety of this country's citizens.

But then, as now, the NRA had its bill introduced, had tons of letters written to an unsuspecting Congress, and got the bill it wanted.

I maintain that if we do the same thing now, then we must share the responsibility for the countless Americans who will be gunned down in our homes and streets and places of business, because we did not act decisively to curb the availability of guns to lawless elements.

I cannot believe that we, the 90th Congress, will knuckle under to the gun interests and their militant campaign of deceit, distortion, and innuendo.

Third, every public opinion poll since 1959 has reflected the public's support for stringent gun control legislation, including the provisions of title IV.

There has been no indication of public sentiment on such a scale for the Hruska substitute.

It is a fact that 65 percent of America's gunowners support gun registration, and my bill does not even go that far. Their sentiments are for strong Federal gun controls.

It is rather ironic that when I questioned the president of the National Rifle Association, during the 1967 hearings, as to whether the NRA had ever polled its membership on this question, he replied in the negative.

His reply was that they did not have to poll their members for they knew how they felt, based on letters received.

Yet when the hunters, farmers, and sportsmen of the great Midwest—the people the NRA says it represents—are polled by independent sources, it turns out that a majority of these responsible Americans are in favor of my bill.

I now turn to the specific areas of the Hruska substitute, which, as I have pointed out, the vast majority of Federal, State, and local law-enforcement officials believe to be weak at best and unenforceable at worst.

1. THE INTERSTATE MAIL-ORDER AND OVER-THE-COUNTER, NONRESIDENT SALE OF FIREARMS, OTHER THAN RIFLES AND SHOTGUNS

The major differences in approach between title IV and the Hruska substitute center on the mechanism for controlling the interstate mail-order and nonresident sale of handguns.

This, undoubtedly, is the major area covered by both title IV and the Hruska substitute, and it is the most controversial.

Title IV prohibits the interstate mail-order sale of handguns as well as the over-the-counter sale of handguns to individuals who are not residents of the licensee's State. In other words, it requires that all such sales be made through licensed dealers in the purchaser's State of residence.

This, I believe, is a reasonable and effective approach to this problem, and it would more readily accomplish the stated goal of curbing sales of deadly weapons to felons, fugitives, criminals, juveniles, and crime-bent individuals by allowing the strict enforcement of each State's and locality's own firearm laws.

However, the Hruska amendment No. 708, seeks to control such traffic utilizing a sworn statement, but one which has not been notarized and which furnishes incomplete identifying information about the purchaser to the licensed dealer.

The defect of this approach has been underscored by every law-enforcement officer, who appeared before the subcommittee, from the Attorney General of the United States to the law-enforcement officials in the cities and States.

I believe that references to their testimony are in order.

Consider the following excerpts from the subcommittee's 1967 hearings:

Quinn Tamm, the executive director of the International Association of Chiefs of Police, said:

> I have listened with a great deal of interest to the Governor of New Jersey testify about the difficulty that law enforcement agencies would have in searching such affidavits.
>
> May I say that having been in charge of the largest fingerprint collection in the world in the FBI, the affidavits bearing the names and partial descriptions of individuals, as far as identification is concerned, *are absolutely worthless. They have no value. They would serve no purpose,* and I question whether a police department in a small community could do anything or any justice to such a request for a name search. It is not quite as simple as just having the chief walk over to a file and look in a small index to see if so-and-so has a criminal record. It goes a great deal further than that, in identifying the individual and where he is from.
>
> It takes time and it takes money, and I am not too sure that this is a police responsibility under our present concept of police. They have a lot of other things to do right now.

William Cahalan, the man in charge of law enforcement in Wayne County, Mich., told the subcommittee just 5 days before the Detroit riot:

> I was conferring with Commissioner Girardin, who is commissioner of the Detroit Police Department, and he says that a name does not suffice; they need fingerprints. The name check doesn't do much for them . . . a name check is insufficient.

Even some of the alleged supporters of the Hruska substitute have been constrained to criticize the measure. The National Wildlife Federation, for example, gave eloquent testimony on the pitfalls inherent in that legislation.

I should add that the Wildlife Federation represents some 2 million American sportsmen.

Their executive director, Thomas Kimball, told the subcommittee in July of 1967:

> We would prefer, in connection with handguns, to permit people to purchase handguns through the mail, providing they file a statement and have a waiting period, and have the police check out their statement, and so on, before the gun is shipped. *But there has been some concern over the fact that if a criminal who intends to use a concealable weapon in the commission of a crime, that he is not going to hesitate to violate other laws and use a fictitious name to acquire a gun if he is intent on committing something even more serious than violating his sworn statement.*
>
> There is some concern that perhaps the police with the volume of such business, might not get around to this in the time that is allotted. This has happened in connection with some other laws that have been enacted in New Jersey, which says the police will act on application for a firearm within a certain designated time, but they are not able to do it. So how are the police going to be penalized? Is somebody going to put the police in jail for not complying with the law in this respect?
>
> *Well, it has just broken down to the point where there is some concern that maybe the best way, then, if we are going to control the misuse of concealed weapons, is to have persons appear before a licensed dealer in their own State and buy it.*

The sworn statement is unworkable. It is unenforceable. Furthermore, I cannot understand the reasoning of those who would allow concealable weapons to be sold by mail order, or allow a nonresident to go to a weak-gun-law State and buy a gun over the counter, and then return to his own State and commit a crime with it. I say that must be stopped. I believe

my colleagues will agree, if they stop and think about this matter. It is just sensible.

I believe my position is completely reasonable. I think that is why every poll shows that 70 percent or more of the people of this country want a strong gun control law passed. Mr. President, that percentage must include many sportsmen. And they certainly want a strong gun control law with respect to concealable weapons.

Senator HRUSKA's amendment seeks to control this traffic by a sworn statement. I observe that it is sometimes called an affidavit and sometimes called a sworn statement. Mr. President, they are not the same thing. An affidavit has to be notarized by a public official. Anybody can write a sworn statement, just by saying, "I swear this and this and this is so," and by signing it. I have no doubt that the criminal element in this country would do that, if that were the only way they could get guns.

So I say it just will not work. Every law-enforcement officer, I believe without exception, who appeared before our committee, said it would not work and could not be enforced, and every one of them opposed it, from the Attorney General down, including Quinn Tamm, whom I have quoted as saying that it is absolutely worthless, has no value, and serves no purpose.

Interestingly, even some of the alleged supporters of the Senator's substitute have been constrained to criticize the measure. The National Wildlife Federation, for example, gave some eloquent testimony on this point to which I have referred.

There are further deficiencies in the nonnotarized sworn-statement approach.

The Federal licensee is under no obligation to refuse an over-the-counter sale, even if notified by local law-enforcement authorities in the applicant's State or hometown, that the applicant is ineligible to purchase firearms in the State or municipality in question. In mail-order situations a licensee is prohibited from shipping to a person ineligible to receive under State or local law—Section 2(c)—but there is no parallel provision with respect to over-the-counter sales to nonresidents whose State or local law would prohibit receipt or possession of the firearms.

Furthermore, the sworn statement provision applies only to handguns. Therefore, a licensee could sell any other firearms, such as machineguns, mufflers, silencers, and so forth, over the counter to any purchaser, regardless of age, known criminal background, or known ineligibility under State or local law.

Finally, the sworn-statement procedure and waiting period is only required for sales to unlicensed persons. So far as I know, the Hruska substitute, makes no significant qualification for applicants for dealer licenses. Any individual over 21 years of age who is not a felon and who has not violated the act would be eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage bona fide in the business of selling firearms.

Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not genuinely engaged in the business, this failure to strengthen the requirements for such a license creates a major avenue for evading even the limited affidavit-waiting-period procedure. This same situation has rendered the present act useless.

2. SALES TO JUVENILES

Of all the weaknesses in the Hruska substitute, none is more glaring than the failure to prohibit the sales of firearms to minors and juveniles.

All the substitute does is to establish some weak and inadequate controls over sales to juveniles. The only provisions affecting such sales are the requirements that nonresidents purchasing handguns by mail order or over the counter, state in their sworn statement—which, as I have pointed out, will not be notarized—that they are over 21 years of age; and that common or contract carriers may not deliver handguns to any person if they have knowledge or if they have reasonable cause to believe that such person is under 21 years of age; or in the case of other firearms if they have knowledge or reasonable cause to believe that the consignee is under 18 years of age.

Although there is a requirement that any manufacturer or dealer—apparently whether or not he is licensed—must notify the carrier in writing of the contents of a package containing any handgun, no similar provision applies to contents of a package containing "any firearm." Thus, the prohibition on delivery to persons under 18 is unlikely to be effective.

Despite the affidavit requirement, the language of the substitute does not prevent a licensee from completing a sale where the licensee knows or has reason to believe that the applicant is under 21.

Title IV specifically prohibits the sale by Federal licensees of firearms, other than rifles and shotguns, to persons under 21 years of age.

The reasons for the total prohibition in title IV are substantial.

In 1966, minors under 21 accounted for 35 percent of the arrests for serious crimes of violence, including murder, robbery, and aggravated assault.

Twenty-one percent of our arrestees for murder in 1966 were under 21; and since 1960, juvenile arrests for murder have increased 45 percent.

Fifty-two percent of our robberies in 1966, were committed by persons under 21; and in this category, since 1960, arrests of juveniles have increased 55 percent.

In 1966, 28 percent of our assaults were committed by minors; and since 1960, arrests of juveniles in this category have increased 115 percent.

Mr. President, law-enforcement experts virtually to a man agree that we can curb these serious increases of violence by young people by restricting the availability of guns to them.

On this point, all the evidence taken by the Subcommittee on Juvenile Delinquency leads me to agree with the views of our law-enforcement authorities.

But it is clear that there are others in this body who are not prepared to be guided by the advice of our law-enforcement experts, for the Hruska substitute does not provide for the prohibitions on sales to minors that title IV provides.

Finally, as a means of implementing the prohibition on the sale of firearms, except long guns, to minors, title IV requires that purchasers of firearms identify themselves and provide proof of age. There is no similar provision in the Hruska substitute.

3. LICENSING PROVISIONS

Another deficiency in the Hruska substitute is that it retains the present inadequate provisions of the Federal Firearms Act with regard to the licensing of dealers and manufacturers in interstate commerce.

On the other hand, title IV requires that all persons engaged in the business of importing, manufacturing, or dealing in firearms be licensed as Federal dealers and it applies standards that would insure that only bona fide businessmen would become licensed. They are the only people in our society who should be licensed—decent businessmen who have some sense of responsibility about the sale of firearms.

Senator HRUSKA's substitute does not require that all dealers or manufacturers be licensed. We are dealing with a dreadfully deadly weapon. Our lack of control over it is the scandal of the world. No other country that pretends to be advanced has a situation such as we have. I think it was a week or two ago that the British, for the third time in very recent years, declared an amnesty, saying to all citizens, "Turn in your guns, and we will not prosecute you," and they got 13,000 or more people to turn them in.

Again I repeat, the Hruska substitute does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport, or receive firearms in interstate commerce.

Thus, it is possible that substantial firearms business could be conducted by a person with no Federal license, including over-the-counter sales of handguns or other firearms, to nonresidents without complying with the affidavit procedure.

For example, a pawnbroker who deals only in secondhand firearms might not be required to obtain a license. Or a dealer could operate in one State by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring State residents, without having to comply with the affidavit procedure provided for in the Hruska substitute.

It is clear from the foregoing that there is a necessity to license everyone in the firearms business, if we are to have effective Federal controls.

We have lived for 30 years with the inadequacies of the Federal Firearms Act, and we now have the opportunity to rectify the mistakes made in 1938.

I hope that Senators agree that the provisions of title IV regarding licensing

are preferable to those of the Hruska substitute.

I should add further, the fact that the Hruska substitute retains the language in the Federal Firearms Act which provides an exception for National Rifle Association members who order and receive firearms from the Secretary of Defense under the civilian marksmanship program.

This conceivably could lead to a convicted felon becoming an NRA-exempted recipient of a firearm shipped to him by the Federal Government.

I point out that title IV does not contain such an exemption for National Rifle Association members.

These are only a few of the more crippling shortcomings of the Hruska substitute.

Let me now consider certain major points made in the minority views as presented in the Judiciary Committee report on this title, for the purpose of underscoring the advantages of title IV.

THE MINORITY VIEWS

1. MINORITY INTERPRETATION OF THE ORIGINAL INTENT OF THE NATIONAL AND FEDERAL FIREARMS ACTS

The minority views contend that the National Firearms Act of 1934 is the "machinegun" act and that the Federal Firearms Act of 1938 is the act that deals with sporting weapons. This is, by the way, the interpretation to which the gun lobby adheres.

Based on this interpretation, the minority views represent that title IV "departs from the logical division of subject matter which has prevailed for a third of a century" when it joins in one measure destructive devices and firearms for sporting purposes.

But the fact of the matter is that no such "logical division of subject matter" has ever existed.

The gun lobby has dreamed up a legislative history of the National Firearms Act and the Federal Firearms Act that accords with their philosophy. But their conception of the intent of both laws is totally inaccurate.

The gun lobby sees the National Firearms Act, basically, as that Federal law which covers gangster weapons. And they conceive of the Federal Firearms Act as covering only sporting firearms.

Let me set the RECORD straight on this issue.

First, by virtue of the very definitions of the Federal Firearms Act, all firearms, whether sporting or gangster, are covered. And, in fact, it is only under the Federal Firearms Act that a felon could be prosecuted for shipping, transporting, or receiving such gangster weapons as machineguns in interstate commerce.

The gun lobby fails to acknowledge this in its interpretation of the Federal Firearms Act.

It is fact that the National Firearms Act provides for the imposition of $200 transfer taxes on the transfer of the so-called gangster weapons, but it does not prohibit felons from acquiring them. Only the Federal Firearms Act does this.

The Federal Firearms Act is, therefore, all inclusive and has always been so. Accordingly, it is proper, and substantively and procedurely sound to include "destructive devices" in the Federal Firearms Act.

2. MATTER OF INTRASTATE SALES

The Hruska substitute does not in any way restrict intrastate sales—that is, sales within each State; and, in line with their limited approach, the sworn statement would only be applicable with regard to mail-order and nonresident sales of handguns.

On the other hand, title IV prohibits licensees from selling handguns and certain other firearms to any person under 21 years of age. And it prohibits licensees from making any sales that would be in violation of State or local gun laws pertaining to the purchase or possession of firearms.

This would not impose an undue hardship on the dealer. Any federally licensed dealer certainly should be aware of the laws of his own State and locality governing the sale or purchase of firearms. In seeking to render State and local laws more operable and effective, title IV would strengthen, not weaken, the authority of the States.

I must add one further observation regarding title IV's restrictions on intrastate sales.

Title IV specifically prohibits the sale of firearms to felons.

The Hruska substitute does not. Nor does it prohibit a Federal licensee from selling over-the-counter to a known criminal, including felons, fugitives, and indictees for felonies, as does title IV.

This omission could be particularly significant in the case of pawnbrokers who frequently know or have reason to know of the criminal background of some of their clients, but who, under the substitute amendment, could sell to such a person with impunity.

It makes no sense to me to allow federally licensed dealers, or, for that matter, unlicensed dealers, to sell firearms to felons, and thus title IV specifically prohibits such sales.

Against the background of the recent assassination of Dr. King, I fail to understand how any one can rationalize or justify an omission which makes possible the sale of a gun to a felon.

3. INTERSTATE SHIPMENT TO OR BY CRIMINALS

A further deficiency of the Hruska amendment which it is appropriate to discuss at this point is its ambiguity with respect to convicted and indicted persons.

Under its predecessor bill, S. 1853, the only criminals or indictees affected were those who had been convicted or indicted for a "crime of violence." Crimes of violence were specifically defined to include enumerated offenses such as robbery, murder, and so forth. Only "crimes of violence had been included in the Federal Firearms Act prior to a 1961 amendment. In 1961 this coverage was expanded to include persons indicted or convicted of an offense punishable by imprisonment for more than 1 year.

The substitute amendment now defines "indictment" and "fugitive from justice" in terms of "crimes of violence." The definition of "crimes of violence," however, has been deleted.

This creates an extremely puzzling statutory problem. But that is only the beginning.

The matter is further complicated because all operative sections are in terms of crimes punishable by imprisonment for more than 1 year with no reference to "crimes of violence."

What are we to make of this?

To give these sections their most reasonable construction, if indeed any reasonable interpretation can be found in all this confusing and contradictory language, it would appear that "indictments" in the operative sections are limited to "crimes of violence" so long as the crime of violence is punishable by imprisonment for more than 1 year.

But if this is so, narcotics offenders and gamblers, presumably not indicted for a "crime of violence," would not be covered; nor would persons indicted for violation of Federal firearms laws.

4. THE MINORITY OBJECTION TO IMPORT CONTROLS IN TITLE IV

The Hruska substitute fails to provide controls over the importation of firearms, except for minimal controls over destructive devices, and the reasons for this are contained in Senate Report 1097 at page 245.

The report language refers to New England firearms manufacturers and the efforts that they have made over the years to restrict the importation of firearms.

The report then goes on to state specifically:

> Domestic gun control legislation is no place to attempt to impose protectionist views on foreign trade policy.

I am a New England Senator, and my State has 10 of the Nation's largest gun manufacturers. I must assume that the minority views imply that I am attempting to protect the firearms industry in Connecticut and the other New England States by including import controls in my bill.

I would first remind the Senators that the firearms industry, including the manufacturers in New England, have not supported my bill.

But, they have supported the Hruska bill.

Their representatives have publicly endorsed the Hruska bill, which does not provide for import controls on the type of firearms they produce.

It is apparent to me that the New England firearms manufacturers do not share the Senator from Nebraska's concept of "protectionist views on foreign trade policy." If they did, they certainly would not have given his bill their support.

They would have supported mine.

Second, I would remind my colleagues that the United States no longer sells domestic—that is, American-made—military surplus to the public. This has been so since April of 1965.

Clearly, then, with regard to military surplus handguns, title IV simply serves to make applicable to foreign military-surplus handguns the domestic prohibitions which have been the law of the land for 3 years.

Furthermore, the minority views contain references to domestically manufactured handguns, which sell at prices competitive with the imported "Saturday night specials."

I would first ask the Senator from Nebraska what American-made handguns sell at retail for $12 to $14, for I have been unable to locate any such weapons. The fact of the matter is that it is the foreign, imported, inexpensive, small-caliber revolver that has been abused on a very substantial scale throughout the United States.

Law-enforcement officials from South Carolina to California have told the subcommittee that the importation of these weapons should be stopped, and the files of law-enforcement agencies indicate that as high as 80 percent of the confiscated crime guns are foreign imports.

The subcommittee's recent study concerning the profile of a gun murderer in this country shows that in over half of the cases where murder guns are positively identified, it is the small-caliber, foreign import that is used by the defendant. This is so for the simple reason that, in the case of the low-grade, amateur criminals, who account for most of our crime and so much of our murder, the bargain basement price on imported handguns is an inducement of major importance.

Finally, I wish to remind Senators that under title IV the importation of sporting handguns would not be affected, nor would the importation of sporting rifles and shotguns be affected.

The entire intent of the importation section is to get at those kinds of weapons that are used by criminals and that have no sporting purpose.

5. THE MINORITY VIEWS SCORE THE TRANSFER OF THE FEDERAL FIREARMS ACT TO TITLE 18

The minority views make a big issue of the fact that, under title IV, the Federal Firearms Act would be transferred from title 15 of the United States Code to title 18 of the code—that is, to that portion of the code which contains all of our criminal laws. To me it makes sense that a Federal law designed to curb the flow of firearms to criminals, juveniles, and other irresponsible elements, and which establishes criminal penalties for its violation belongs in the criminal section of the United States Code rather than under title 15, which has to do with commerce and trade.

Nevertheless, the minority report states flatly:

> The statutory transposition has met with very stiff opposition.

The question that I ask is: What is the source of this stiff opposition?

Does the opposition come from the Federal officials who will administer and enforce the provisions of title IV, or from any other responsible Federal, State or local official?

The answer of course is "No."

The "stiff opposition" comes again from the "gun lobby."

This is another attempt to befuddle the issue and stall a good firearms law for another 30 years.

Instead of talking about "statutory transposition" as though this were some kind of unspeakable evil, it would make more sense if the spokesman for the opposition viewpoint explained to us just why it is wrong to place the Federal Firearms Act under that title of the criminal code which deals with criminal violations. I say this is sound from a legislative standpoint and sound from an administrative standpoint, and I challenge the opposition to prove otherwise.

6. MINORITY VIEWS ON THE ISSUE OF CONTROLLING DESTRUCTIVE DEVICES

I have briefly referred to the control of destructive devices under the previous heading "Intent of the National and Federal Firearms Acts."

However, I believe that, because this is a controversial issue, it deserves further discussion.

The senior Senator from Nebraska, in citing the legislative history of the gun control bills, going back to my introduction of S. 1591 and S. 1592, in 1965, says that—

> For some unexplained reason, S. 1591 was not reintroduced in the 90th Congress. Instead, Senator Dodd introduced, on behalf of the Administration, a highly controversial and strongly objectionable feature of S. 1, Amendment No. 90 (which is incorporated into Title IV) which would control destructive devices by requiring prior approval by local police, in the form of a sworn statement, before a person could purchase one of these weapons.

I fail to understand the Senator's statement on this point, especially in view of the fact that he neglected to say that the very same destructive provision to which he alludes in S. 1, amendment No. 90 was also contained in S. 1592, the bill that I introduced in March of 1965.

Obviously then, it was not "for some unexplained reason" that I failed to reintroduce S. 1591. Destructive devices were appropriately covered in S. 1592 and in its successor, S. 1, amendment No. 90.

Another matter which is appropriate to this discussion was discussed at length during the subcommittee's 1967 hearings, when Warren Page, president of the National Shooting Sports Foundation was testifying.

When he indicated his support of the Hruska approach toward destructive devices, I pointed out that the .20-millimeter antitank rifle, like the one used to blow up a Brink's installation in Syracuse, would not be covered under the definition of a destructive device in Senator HRUSKA's bill.

I maintained then that such a weapon would not be covered, because of two factors both of which are still applicable under amendment 708: First, the nomenclature of the weapon, which would classify it as a rifle; and, second, that there is a blanket exception for all rifles and shotguns in the destructive device definition of the Hruska substitute.

This means that we would be faced with the appalling situation where a .20-millimeter antitank gun could be sold in the same manner as any .22-caliber "plinking rifle."

Certainly this should not be the intent of Congress.

I should add that during the aforementioned discussion, which can be found at pages 804–805 of the hearing record, Senator HRUSKA apparently agreed with my view and indicated that the problem could undoubtedly be resolved by adding the word "sporting" to the exclusion for rifles and shotguns.

I now find that the Hruska substitute, part B, does not contain the qualifying word "sporting," and the situation that I have just discussed, therefore, still prevails.

This is another of the glaring examples of the deficiencies in the Hruska substitute.

I hope that my analysis has given the Senate an insight into the many weaknesses of the Hruska amendment. As a measure designed to control the sale of guns, it is for all practical purposes worthless.

The record proves it is misunderstood by many of its supporters who are being blindly led by the "protectionist" gun lobby.

The polls show what the people want. They want title IV, with controls over the sale of long guns thrown in.

I ask the Senate to give the Nation the gun law it wants and needs.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator yield?

Mr. DODD. I yield for a question.

Mr. LAUSCHE. Mr. President, I have not been in the Chamber. Will the Senator tell me the present status of the bill, the original of which I was a cosponsor with the Senator from Connecticut?

Mr. DODD. I believe the Senator from Ohio was a cosponsor of S. 14 in the 89th Congress.

Mr. LAUSCHE. I am talking about the Senator's bill.

Mr. DODD. Does the Senator mean the parliamentary situation?

Mr. LAUSCHE. No. I am asking about the bill the Senator is urging should be adopted.

Mr. DODD. Principally, I want to stop the mail-order sale and transfer of concealable weapons.

I do not think they should be permitted. I think if a person wants to buy a concealable weapon, he should buy it in his home State and he should not be able to put $20 in an envelope and send it to a mail-order house in California and get a gun. However, that is being done every day.

That is the principal thrust. Further, I want to prevent the importation of dangerous, concealable weapons, particularly military surplus.

Mr. LAUSCHE. Would there be any conditions attached to the ability of a person in his local community to buy a gun?

Mr. DODD. Yes. He would have to be 21 years of age. For example, to buy a handgun, he would have to properly identify himself, and he would have to give his name, address, and age. There are standards imposed on the dealer requiring him to make certain that he is not selling to someone to whom he should not sell.

To answer the Senator's question more

specifically, my bill would prohibit the interstate mail-order sale of handguns.

Mr. LAUSCHE. Absolutely?

Mr. DODD. No, the sale would have to be consummated between federally licensed dealers.

It would prohibit over-the-counter sales of handguns to nonresidents of a State.

What has happened in States which have good gun laws is that the criminal who purchases a gun to commit a crime goes outside the State and into a State with weak gun laws, and then comes back with a gun to kill or assault someone. I do not know of any other way to stop that except by saying that one cannot buy a handgun or a concealable weapon except where he lives. I think that makes sense.

It also prohibits a Federal dealer from selling a handgun to anyone under 21 years of age.

It also prohibits licensed dealers from selling a gun to anyone who is prohibited by State or local law from receiving or possessing a firearm.

It provides a higher standard for obtaining Federal firearms licenses. I think it should. We have all these fly-by-night people who sell guns out of the trunks of cars or trucks. I say this is one commodity which should be sold by responsible citizens. I think the overwhelming majority of the people of this country want to get rid of this fringe operation. That is why we included a higher license fee for pawnbrokers. I certainly do not suggest that pawnbrokers are crooks. I know that they are not. Some of them have been found to be loose in their practices. Thus, I believe that they should pay a higher license fee.

Then title IV regulates the importation of firearms by excluding surplus military handguns; and rifles and shotguns that are not truly suitable for sporting purposes.

The Senator from Ohio was not here, but I pointed out that every country in the world that pretends to be advanced prohibits that within its own country. We prohibit the sale of our own military surplus to our own citizens. We have done so since 1965. But surplus military weapons are dumped here every year in disassembled form and then reassembled and sold to "nuts," children, and criminals. It should be stopped.

I do not care how much legitimate sporting equipment is imported but I want to see an end to the import of surplus military handguns.

Next, the title stringently controls the selling of destructive devices such as antitank guns, bombs, hand grenades, mortars, and such. In order to be fair, I want to repeat: The Senator from Nebraska does not want that stuff here either, but he thinks it should be covered in the National Firearms Act which provides only for a tax on the transfer of those weapons of war. I believe that it should be under the Federal Firearms Act where real punishment is attached to the transaction.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut yield at that point?

Mr. DODD. Will the Senator let me finish my points first?

Mr. HRUSKA. Surely.

Mr. DODD. I want to list all the points, if I may.

It also prohibits the transportation or receipt in interstate commerce of a firearm knowing a felony is to be committed with it. Here again the Senator from Nebraska and I have no difficulty about that. That is essentially what it is.

Mr. LAUSCHE. Did not the original bill contain some prohibition against selling guns to felons or to persons mentally deficient?

Mr. DODD. Yes. It does now, actually.

Mr. LAUSCHE. What about the mentally sick?

Mr. DODD. It would include them in this way, that the dealer would be bound by the law of his locality, or the municipal ordinance of his city or State. I do not think there is a State in the country which would allow an insane or mentally incompetent person to be able to purchase a gun.

Mr. LAUSCHE. I thank the Senator.

Mr. DODD. I am happy to have been able to yield to the Senator from Ohio.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator, on his time.

Mr. HRUSKA. Mr. President, I ask the Chair to take this time out of that which is allotted to me.

The PRESIDING OFFICER. The Senator from Nebraska may proceed.

Mr. HRUSKA. Is it not true that the National Frearms Act now requires registration and a transfer tax?

Mr. DODD. Yes. It requires both. But it has no really punitive teeth in any part of it. There was a recent Supreme Court decision, the Haynes case, having to do with the self-incrimination features of the act, which, in effect, negated the registration requirement.

Mr. HRUSKA. That may be because the Federal authorities do not investigate, prosecute, or try to enforce the law. We know, for example, that under section 902(c) of the Federal Firearms Act which has been on the books for 30 years, there was never a case filed up until this calendar year, although undoubtedly there have been many thousands of cases where that section 902(c), has been violated. Yet there has not been a single conviction.

Mr. DODD. Yes, I know.

Mr. HRUSKA. The fact is that the National Firearms Act imposes great penalties upon persons who violate section 5861 who fail to comply with the provisions of that chapter. The penalty is a fine of not more than $2,000 or imprisonment for 5 years, or both.

Mr. DODD. Let me conclude my remarks on 902(c). The real point is this. Section 902(c) of the Federal act has been for all practical purposes unenforceable. We have been allowing anyone—practically anyone—in this country to get a license as a Federal dealer for $1. They have been purchased in considerable numbers. As a consequence, revenue from licenses is not nearly so adequate to provide the number of people who should be enforcing the law. More important, a licensed dealer does not have to comply with the section to which the Senator referred—902(c). That is one reason they cannot enforce it. Sheldon Cohen, the Commissioner of Internal Revenue, said that it is just too much of a loophole and that they cannot do much about it.

Mr. HRUSKA. It is not weak under amendment No. 708, is it?

Mr. DODD. I think it is. I do not think amendment No. 708 does anything, substantially to improve this defect.

Mr. HRUSKA. Amendment No. 708 requires Federal registration of destructive devices. It requires a transfer tax of $200. It requires that an order sent in for any of the devices covered by the act must be filed with the police.

Mr. DODD. Are we still talking about 902(c)?

Mr. HRUSKA. No; I am talking about part B of amendment 708 which would place destructive devices under the strict controls of the National Firearms Act. The distinguished Senator from Connecticut was talking about the entire act. He said it was too weak and could not be enforced.

Mr. DODD. That's right. The part we were discussing was 902(c). I am referring to page 10 of the pamphlet the Senator has, which contains the National Firearms Act and the Federal Firearms Act.

I do not know whether I explained it well enough. The point is that under 902(c), as I said, the licensee can avoid compliance with important provisions of the Federal Firearms Act, for all practical purposes, by paying a $1 license fee. That is a great weakness.

We get into all these details about it. I have said over and over again that it is the big things that are at stake. Are we going to allow this traffic in weapons, or are we going to try to curb it and have a more responsible attitude toward it? Are we going to allow foreign countries to ship in their excess military junk, or not, when we do not permit it to be sold in our own country by our own Government?

There are the outstanding questions. Are we going to stop these destructive devices?

We can pick at these details for a long time. I know the Senator from Nebraska is not a "gun nut." I have never suggested he was. I think he wants a good law, too; but I truly do not believe his substitute will ever be much better than what we have now.

Mr. HRUSKA. Mr. President, if the Senator will yield, I think the Senator is entitled to his own opinion about it. However, if the substitute, calling for presale affidavit procedure for mail order sales of handguns under the Federal Firearms Act will be the nullity the Senator from Connecticut contends, it means that the police or law-enforcement officers do not take the problem of gun possession and gun use as seriously as they have testified. In my opinion, they do take it. All they pleaded for throughout the hearings was, "Give us a chance to control the guns that come across State borders. Let us know about them." Under my proposal, that information is being given to them. They are being given a chance to enforce their laws. If they do not enforce those laws, and if they do not take advantage of that procedure,

then certainly they will not even take the trouble to enforce the laws that are on their books now.

Mr. DODD. May I respond?

Mr. HRUSKA. Surely, on the Senator's own time.

Mr. DODD. Very well. I will take a couple of minutes.

I think everyone who testified said that they wanted the stringent and prohibitive mail order and concealable weapons provision. The Senator remembers what the witnesses said. They said, "What good does it do to have a reasonably good gun law when some child or some criminal or some insane person can put a few dollars in an envelope, mail it to California, and get a pistol which we do not know about, unless we discover it was used during the course of a murder or assault?" They said it over and over again. They said it to a man.

That is one of the things I am trying to do. One of the principal things I am trying to do is give them some help.

Under the Senator's suggestion, just a sworn statement will be sufficient. All of the witnesses said that cannot work. I consider a sworn statement to be a different thing from an affidavit, which is notarized before a public official authorized to notarize such documents. I do not advocate an affidavit, but it would be stronger than a sworn statement.

Mr. HRUSKA. Yet the Senator resorts to it in the case of destructive weapons in the application of the National Firearms Act. It is curious that the affidavit will be used in the Senator's provision for dangerous weapons, destructive devices, machineguns, sawedoff shotguns, but it is not sufficient for the ordinary pistol.

Mr. DODD. I will tell the Senator why. There are only about 5,000 destructive devices in the country and, according to the Senator's own figures, there are 200 million of the other types of weapons. The sale of 3,000,000 firearms a year seems to me to constitute a greater and more dangerous problem than the destructive devices. I do not know of anybody who wants destructive devices sold indiscriminately. I know the Senator does not. I do not. The only difference is in how to accomplish the purpose of controlling this traffic.

Mr. HRUSKA. There are laws on the books. There is the Mutual Security Act of 1959, section 414, that has been enforced for a long time.

I would not want the RECORD to indicate that there is not ample revision of the National Firearms Act in amendment 708, because there is.

Mr. President, I ask unanimous consent that at this point there be inserted the language in the report on this bill beginning on page 249, under the heading, "Part B—National Firearms Act Amendments," which extends over to page 250.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

PART B—NATIONAL FIREARMS ACT AMENDMENTS

1. The Act is amended to include "destructive devices" within the scope of those weapons which must be registered and upon which a $200.00 transfer tax is imposed.

2. "Destructive devices" are defined to include bombs, grenades, rockets and weapons having a bore of more than 0.78 inches in diameter.

a. Specifically excluded are rifles, shotguns, signaling and line-throwing devices, black powder firearms, firearms provided by the National Board for the promotion of Rifle Practice, and other weapons not likely to be used as destructive devices.

3. The definition of "machinegun" is amended to include frames, receivers, and sets of parts which will convert a weapon into a machinegun, as well as weapons which can be readily restored to shoot as machineguns.

4. The definitions of rifle and shotgun are amended to include any such weapons that can be restored to firing condition.

5. Firearms without serial numbers may be required to be identified as prescribed by the Secretary.

6. The second sentence of the registration provision (§ 5841) is stricken and new language added to overcome that section's unconstitutionality as recently proscribed by the Supreme Court.

7. Persons under 21 may not possess "National Act" weapons.

8. A copy of the transfer application for a "National Act" weapon must be sent to the purchaser's local chief of police.

9. The penalty provision is increased from a maximum of $2,000 and 5 years to $10,000 and 10 years.

Statistics on firearms used in crimes

Federal Bureau of Investigation statistics delineate the handgun as the firearms problem.

The 1965 FBI Uniform Crime Reports state that 59 percent of the willful killings during that year were committed with firearms. Thus, out of a total of 10,920 such killings, firearms were used in 6,476 cases. Writing to Senator Roman L. Hruska on July 27, 1966, FBI Director J. Edgar Hoover supplemented the Reports. Indicating that handguns were used in 70 percent of the murders committed with firearms, the Director stated:

Based on the submission of police reports under the uniform crime reporting program, 70 percent of the murder by gun in this country is committed with a handgun, 20 percent by the use of a shotgun, and 10 percent with a rifle or other firearm. This will supplement the data available to you in Uniform Crime Reports—1965.

In regard to aggravated assaults, approximately 19 percent of the total (231,800) were committed with firearms. However, Mr. Hoover advised that,

There is no available breakdown of the type of firearms used in these attacks.

In 1966, there were 153,420 robberies. Of this figure, 39 percent, or about 59,680, were armed robberies committed with firearms. In regard to this category, Mr. Hoover stated in the above-mentioned letter:

Although we do not make a regular collection of the type of weapon used in armed robbery, from special surveys in the past we have determined about two-thirds are firearms and most of these the handgun.

From these statistics, as well as the treatment accorded handguns by State and city statutes and ordinances, it is quite clear that the principal offender in the unlawful use of firearms is the handgun.

The Federal Bureau of Investigation Uniform Crime Reports show that the number of serious crimes reported in the United States for 1966 came to a total of approximately 3,243,370.

In crimes of violence, statistics showing use of firearms in their commission are available in only three classes; willful killings, aggravated assaults, and robbery. The total of crimes of these 3 classes in 1966 was 396,140.

It becomes very pertinent to inquire how many of those 396,140 crimes of violence were committeed with firearms. The answer for the uninitiated is rather spectacular—only one in every four. Firearms were used in about 109,000 of this number. This means about a 27-percent use of firearms in these crimes of violence.

Mr. DODD. I am losing all my time. The Senator's statements are very provocative.

Under title IV, as I introduced it, a person who wants to purchase destructive devices will have to go before a law-enforcement official and justify his reasons for wanting them. He would have to say such a device was for some legitimate reason.

I think that is a better measure than what is suggested here. He will have to make a sworn statement. He will have to have a hearing. There are precautions to see that those devices are not purchased indiscriminately.

I do not want to prolong this discussion. I intend to speak at a later time, because I have not had an opportunity to read what I am sure is the very eloquent presentation of the Senator from Nebraska. I listened as best I could, but knowing him and his talents, I would want to read his presentation word for word before I started to answer it.

So I yield the floor.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield me 15 minutes?

Mr. DODD. Mr. President, I do not know how much time I have.

The PRESIDING OFFICER. The Senator has exactly 1 hour left.

Mr. DODD. Can the Senator make it 10 minutes?

Mr. KENNEDY of Massachusetts. Mr. President, I will ask unanimous consent to call up my own amendment and use up time on that.

Mr. DODD. Mr. President, I may say that the Senator from Massachusetts [Mr. KENNEDY] has made a most valuable contribution to this title. It has been monumental. He is very knowledgeable on this question. My only interest is that we both want to reserve some time. We do not know what is coming. That is my reason for hesitating.

Mr. KENNEDY of Massachusetts. How much time will the Senator yield me?

Mr. DODD. Is 10 minutes satisfactory?

Mr. KENNEDY of Massachusetts. Yes.

The PRESIDING OFFICER. The Senator from Connecticut yields 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, this is really a historic day for those of us who believe in the opportunity for Members of this great body to express their will on a matter which is of great importance and significance to all Americans. I thank each and every one of us realizes that long and arduous hearings were had on this question by a responsible committee of this body, the Juvenile Delinquency Subcommittee. Voluminous hearings were held. Many different witnesses expressed a variety of different shades of opinion about the legislation. Very useful and knowledgeable contributions were made by many Members of this body from different parts of our country. The record is full, and it has been available to the Members of this body for many months, both last year, when the Hruska bill itself was reported

out of the Judiciary Committee, and since. They also have had a chance to consider the report and the minority views.

Once again today we have the full benefit of the documented record by the Juvenile Delinquency Subcommittee.

I think that any kind of opening comments that any Member of this body would make would have to recognize the very significant contribution that has been made by the Senator from Connecticut in this matter. He has given many hours of his time and much attention to the development and the working of not only the subcommittee of which he is chairman, but also the full committee, and he has held long and extensive hearings on this matter, as well as giving close attention to the work that has been done by the staff.

Mr. President, I think that many members of the committee as well as Senators generally have for far too long been frustrated in not having an opportunity to express their views about this matter. It seems that now at last the full Senate will have an opportunity to express itself on the matter before us on a series of proposals which will be made, which will, I believe, strengthen significantly title IV; ultimately a chance to express itself on the matter now directly before us, the Hruska amendment to the Dirksen amendment; and then, as I understand, possibly the opportunity of also considering registration legislation.

But I think all of us who have had a profound and considerable interest in this legislation are extremely pleased with the fact that at last the Senate will, after full consideration and full opportunity for debate, and with reasonable prospects of a determinative vote, have a chance to express itself on this matter.

We have waited too long, Mr. President—far too long. It has only been a result of extremely unfortunate events that at last the Senate is finally measuring up to its responsibility, and giving to all Senators a chance to express themselves on this important issue.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. DODD. I think the Senator ought to take the additional 5 minutes.

Mr. KENNEDY of Massachusetts. I thank the Senator.

Turning, then, from those brief opening comments, Mr. President, the distinguished Senator from Nebraska has offered an amendment in the nature of a substitute for title IV. He is an able and persuasive spokesman. But not even his ability and eloquence can convince me that this approach is effective, or even workable. I will not comment at this time on some other aspects of his amendment, including the fact that it effectively reduces the coverage of existing firearms control in many important areas. I would like to address my comments primarily to the basic new addition that this proposed substitute amendment would make in the field of firearms control—the required use of an affidavit to accompany all mail-order purchases and over-the-counter purchases of handguns by nonresidents.

This amendment in the nature of a substitute is offered because the distinguished Senator from Nebraska and others find the form of legislation contained in title IV as it was reported out by the Senate Judiciary Committee offensive. Their primary argument on this is that title IV as reported would be inconvenient to a number of persons who would like to be able to buy weapons simply by ordering from out-of-State dealers and manufacturers, or who are inconvenienced by restrictions contained in the law of their residence and would like to be able to cross State boundaries to a State which has less inconvenient firearms control. If inconvenience is the problem with title IV as reported, then I am bewildered at the proposed substitute. Under the substitute, everybody is inconvenienced. The purchaser must get information necessary for the affidavit, prepare it, and wait for over a week while his order is processed. The dealer or manufacturer is greatly inconvenienced by the required paperwork and delay, and the greatest inconvenience of all land squarely on the shoulders of those least deserving of having an additional burden placed upon them—State and local law-enforcement officials.

As I understand the Senator's amendment, a person desiring to purchase a handgun by mail order or over the counter in a State where he does not reside would be required to submit to the manufacturer or dealer a sworn statement stating that he was over 21 years of age, not prohibited by Federal or State or local law from purchasing the handgun, and stating the title, name, and address of the principal law-enforcement officer of the locality where he resided. In addition, the sworn statement would include an attachment of a true copy of any permit required pursuant to State or local law. The manufacturer or dealer would then be required to forward by registered or certified mail the sworn statement to the appropriate local law-enforcement official, together with a description of the handgun to be shipped. The local law-enforcement official would then have a limited period of time—7 days from the time the dealer gets the mail receipt notice—in which to investigate the application.

That sounds simple. But is it? The number of such applications that would have to be investigated is difficult to estimate. But it is known that in a single city—Detroit—in a 2-year period, more than 6,000 handguns were purchased by Detroit citizens in Toledo alone.

And it is no simple matter to make this check. First, it would be necessary to check the authenticity of such an application, to determine whether it had in fact been submitted by the person appearing as the signatory. How is this check to be made? Is the local law-enforcement official going to have to go to the address shown in the affidavit? I keep using the word "affidavit." Actually, it does not clearly appear that the applicant would even have to sign the statement before a notary public or other witness, so that there is no assurance the signature is valid, or that the name is not an alias.

But assuming the official determines that the affidavit or statement was in fact submitted by the person whose name appeared on it, what additional checks will be required? Obviously, there will be a need to check to see if the individual has a criminal record. But many States and localities do not have a comprehensive file of all crimes committed by all persons who may be residing in their jurisdiction. It may be necessary to check a number of places, including national crime data. And many jurisdictions do not have a recordkeeping system that would permit a simple check. It would be necessary to comb through files, court dockets, and other materials. The local law-enforcement official would apparently be responsible for determining whether the recipient would be in violation of Federal law as well—and this would require a determination not only of prior convictions, but whether the purchaser is under indictment at the time, or a fugitive from justice.

Then again, there are many jurisdictions in the country which at present have no gun control legislation. In these jurisdictions the police would be put in an anomalous position. Are they to undertake an investigation to determine the legality of the interstate purchase under Federal law? It is a strange allocation of burden that by Federal statute we would relieve purchasers of the slight inconvenience of having to purchase locally, and impose by that Federal law a heavy burden of investigation on local officials who would otherwise have no obligation in this area. The imposition of a burden like this on local authorities should be a matter for local, not Federal, decision.

And what if local law-enforcement officials failed to make Federal investigations on each of these applications? I think it should be acknowledged by the proponents of this legislation that one unstated premise is that few such investigations will be made. But out of thousands of applications, surely our experience is clear that many of these guns will be purchased and received by persons in violation of local, State, and Federal law. And among those persons will be several who will commit heinous offenses with those firearms. The newspapers and others who may be anxious to criticize the police, will land on them with both feet. Headlines will announce "Police Failure To Investigate Leads To Violence."

In contrast to this burdensome procedure, title IV as reported out by the Senate Judiciary Committee encourages self-enforcement to a large extent, and concentrates responsibility with those who are most interested and should have that responsibility in this field—federally licensed firearms dealers and manufacturers. Local law enforcement in jurisdictions which have local gun control legislation can concentrate their efforts on known outlets for these weapons, and close out dealers who fail to comply with local law.

And in other States, which may not yet have this legislation, local law enforcement would not be saddled with enforcing Federal law. Federal restrictions would be enforced directly by Federal licensees, supervised by the Treasury Department.

The International Association of Chiefs of Police is vigorously opposed to placing this heavy inspection burden on local law enforcement other than by local option. So is the National Association of Sheriffs.

We are dealing with an omnibus crime control bill, which, if it has any common theme, that theme is "Let Us Make Law Enforcement More Effective." Title I will provide for the first time significant Federal assistance to local law enforcement to help make up the ever-widening gap between resources and need. Although I disagree with them, the proponents of title II argue that its provisions will make law enforcement more efficient.

This, too, is the intent of title III. But then we come to title IV and suddenly we are asked to reverse this pattern of trying to assist local law enforcement, and instead impose upon it an inefficient, burdensome volume of investigation.

In addition to imposing this heavy and unnecessary burden on local law enforcement, the real problem with this affidavit procedure is that it is likely to be totally ineffective. Many police departments across the country simply do not have the resources or personnel to do a thorough job, least of all on such short order as required by this proposal. This procedure seems really designed more to convict a person after he has used a weapon than it is to keep weapons out of the hands of known dangerous persons. But I believe in the maxim that "an ounce of prevention is worth a pound of cure." Prosecution of an individual for violating a Federal gun statute is too late to help his victim, and too late to help the victim's family.

The worst thing we could do in enacting gun control legislation is to enact a bill which uses the name of gun control, but is gun control in form only. As Quinn Tamm, executive director of the International Association of Chiefs of Police, has stated:

> Let me emphasize that it is essential that Congress provide workable control over the interstate shipment and sale of firearms. We must avoid "paper" controls which offer form as an alternative to substance.

If we fail to enact at least title IV as reported by the Judiciary Committee and instead enact a procedure which will not work, and which will unnecessarily burden local officials, we will have deceived the American public. We certainly will not have deceived those irresponsible persons who desire the "convenience" of obtaining weapons out of State in violation of their local law. We must recognize that if we today enact superficial legislation, we will indefinitely block the way to passage of effective legislation. The affidavit procedure is superficial legislation. Title IV, especially if it is extended to cover long guns, is meaningful legislation. Let us enact meaningful gun control. Now.

Mr. President, I should like to ask the Senator from Nebraska some questions on his proposed legislation if he is prepared to respond at this time.

Mr. HRUSKA. Mr. President, I would be happy to respond to the best of my ability.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to cover the time taken by my replies.

Mr. DODD. Mr. President, I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Nebraska has yielded himself 5 minutes, and the Senator from Connecticut has yielded 4 minutes to the Senator from Massachusetts.

The Senator from Massachusetts may proceed.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Nebraska recognizes, as I understand it, the importance of providing coverage for juveniles in his firearms control legislation.

Mr. HRUSKA. Yes; indeed.

Mr. KENNEDY of Massachusetts. As I understand it, the Senator from Nebraska provides for this in a number of ways and recognizes that under his measure, a common or contract carrier will be precluded from delivering or causing to be delivered in interstate commerce such firearms to persons whom the carrier knows or believes are below the stated age.

Mr. HRUSKA. The Senator is correct. There is a provision that carriers may not deliver a handgun to anyone under 21 years of age, nor a rifle or a shotgun to anyone under the age of 18.

Mr. KENNEDY of Massachusetts. The proposed legislation of the Senator places the burden of delivery on the common or contract carrier.

Mr. HRUSKA. It places a burden on the common carrier. It is not the sole burden that is placed by the statute. The affidavit that is filed will state that the applicant is 21 years of age or over, and so he undertakes some responsibility.

Mr. KENNEDY of Massachusetts. He undertakes some responsibility.

Mr. HRUSKA. The Senator is correct.

Mr. KENNEDY of Massachusetts. But there is a prime responsibility on the contractor.

Mr. HRUSKA. If a person recites that he is 21 years of age and is only 18 years of age, he is guilty of a violation of the Federal statute with a penalty, upon conviction, of up to 10 years in jail and $10,000 fine, or both.

Mr. KENNEDY of Massachusetts. Nevertheless, it does apply the prime responsibility for delivery of that weapon to the juvenile on the common or contract carrier.

Mr. HRUSKA. No. I just pointed out that that is not the case.

Mr. KENNEDY of Massachusetts. That is an additional responsibility.

Mr. HRUSKA. That is an additional one. Amendment No. 708 contains that provision with respect to common carriers. It also has the other provision with reference to the affidavit. And if the local law or city ordinance provides a higher age than 21, that would have to be complied with also.

Mr. KENNEDY of Massachusetts. Why does the Senator rely on the carrier itself to enforce this procedure? Why does the Senator not recognize that, as in other areas such as drugs or liquor, the prime responsibility comes to the dealer? And those people are recognized to be responsible for enforcement in those cases.

Why does the Senator in his legislation provide that the common carrier bears—at least from my reading—a significant, if not a prime, responsibility for the enforcement?

Mr. HRUSKA. It is an added safeguard. The primary responsibility, however, is on the buyer, the dealer, and on the police department. The policeman can come in and investigate.

Mr. KENNEDY of Massachusetts. It is then on the local police?

Mr. HRUSKA. It is on the local police, yes, indeed. That is where it belongs.

Mr. KENNEDY of Massachusetts. But this is an additional kind of burden on the local police.

Mr. HRUSKA. Yes, indeed, just as any law that is passed puts an additional burden on them.

It is complained that the police would be heavily burdened and that they would have to check in a number of places to see if a man has a criminal record, has been indicted, or actually lives at a certain address.

Merely by saying that it is up to the local law-enforcement officer does not dispose of the problem. That burden under the provision of title IV vests solely in and is imposed upon the dealer. So, all of the difficulty, burden, and the time devoted to the problem of determining whether a man is legally eligible to own a gun is placed in the dealer.

The burden will be imposed upon a man who is struggling to make a living, probably selling a $50, $60, or $100 gun. He would have perhaps a 25-percent markup and would make anywhere from $12.50 to $25 on the sale. He is supposed to do what the Senator from Massachusetts says law-enforcement officers do not want to do.

Mr. President, we do not want the burden of enforcement placed anywhere else but on the law-enforcement agencies. It is not too big a problem for them.

Mr. KENNEDY of Massachusetts. Where in the Senator's provision is there any enforcement procedure under section 902(c) with relation to over-the-counter sales?

Mr. HRUSKA. Under amendment No. 708, the laws of the State of course would apply to over-the-counter sales.

Mr. KENNEDY of Massachusetts. But there is nothing contained in the Senator's provision to prohibit over-the-counter sales of weapons to nonresidents who could not buy them under their State or local law.

Mr. HRUSKA. Under section 2(m) it is unlawful for any licensed dealer to sell or deliver for sale any handgun to anyone who is not a resident of the State.

Any nonresident could not purchase a handgun without going through the same affidavit procedure that he would have to go through in the case of delivery by mail.

Mr. KENNEDY of Massachusetts. So a nonresident purchase would not be covered?

Mr. HRUSKA. A nonresident purchase would be covered by the amendment. Subsection (m) reads:

(m) It shall be unlawful for any licensed manufacturer or licensed dealer to sell or deliver for sale any handgun to any person other than another licensed manufacturer or licensed dealer who is not a resident of the State in which such manufacturer's or dealer's place of business is located * * *

That is on page 9 of the amendment.

Mr. KENNEDY of Massachusetts. But you have not read the full section. Subsection (m) makes the sale lawful, as far as the dealer is concerned, if he simply follows the mechanics of the affidavit procedure. All subsection (m) really does is to require that the affidavit must be completed. It does not provide any enforcement procedures even if the Senator's amendment will apply.

Mr. HRUSKA. Oh, yes, indeed. That affidavit is filled out by a nonresident on an over-the-counter sale; it is sent to the dealer; the dealer sends a copy to the chief of police; and we go on from there.

Mr. KENNEDY of Massachusetts. Could the Senator read the parts of his amendment, for my edification, which say that it does apply to a nonresident purchase in over-the-counter sales?

Mr. HRUSKA. I read it a short time ago. Let me point out that subparagraph (m), on page 9 of amendment No. 708, is the language about which he requests information.

Mr. KENNEDY of Massachusetts. Where does it say that if the police object to the affidavit, the dealer himself would be in violation of the law if he went ahead and sold the weapon?

Mr. HRUSKA. When the affidavit is received by the police——

Mr. KENNEDY of Massachusetts. Then the police return it and say, "Don't sell it." Then the dealer goes ahead and sells it. How does the Senator's amendment provide enforcement procedures?

Mr. HRUSKA. In this way: If it is against the law of the State to make a sale to the applicant, and the dealer makes the sale anyway, the latter is guilty of a Federal offense.

Mr. KENNEDY of Massachusetts. With all due respect, I do not see that interpretation of what the Senator has stated. If there is a violation of the law of the purchaser's residence in an over-the-counter sale, and the affidavit is sent back, rejected by the local law-enforcement officials, are there any provisions in the Senator's proposal for enforcement procedures?

Mr. HRUSKA. Yes, on page 4 of the amendment, subparagraph (c):

(c) It shall be unlawful for any licensed manufacturer or licensed dealer to ship or transport, or cause to be shipped or transported, any firearm in interstate or foreign commerce, to any person in any State where the receipt or possession by such person of such firearm would be in violation of any statute of such State or of any published ordinance applicable in the locality in which such person resides . . .

Mr. KENNEDY of Massachusetts. I have heard the Senator state that; and, as I read it, that is in interstate commerce. I am talking about over-the-counter sales.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY of Massachusetts. May I have 1 minute?

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I am talking about over-the-counter sales, not shipments in interstate commerce. And subsection (c) only makes it illegal for the dealer to "ship or transport." There is no prohibition on sale, even if the dealer is on notice of violation in the buyer's State or of disapproval of the affidavit by the local police.

If one has ever seen provisions that cannot be enforced, it is when an affidavit is filled out by a nonresident; it is sent back by the local law-enforcement official—who says it is no good, that the person is a criminal, has a criminal record, or is a juvenile delinquent—and the dealer sells the gun over the counter. There are no provisions in the amendment which would provide any kind of limitation. I suggest that this is the beginning of just one loophole in effective gun legislation.

Mr. HRUSKA. I will answer that argument but not at this time. There is provision, Mr. President, and the situation is covered as fully as it is in any other instance under title IV, and I will demonstrate that in due time.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, will the Senator from Nebraska yield me 5 minutes?

Mr. HRUSKA. I yield 5 minutes to the distinguished Senator from Nevada.

Mr. BIBLE. Mr. President, I rise to support the Hruska amendment. I recognize the controversy and the problems that have arisen in developing the proposed crime control legislation and certainly the controversy in this title.

It seems to me, however, that the amendment offered by the Senator from Nebraska is a realistic and a moderate way of approaching a very difficult problem.

It is rather ironic that in the proposed legislation we do have a conflict in certain areas of constitutional rights. One of the conflicts that will be argued at length next week, I am sure, is in title II, on the matter of confessions—questions that have arisen as a result of the Mallory rule and the Escobedo and Miranda cases. The other is in gun controls—the issue now before us.

Increasingly, it seems, Americans today are confronted by a paradox in the area of rights and freedoms. In some respects our constitutional rights are given broad new emphasis and protection, and strict boundaries are placed around government powers. In other respects our freedoms seem to be restricted more and more by a complex array of laws, and government has assumed greater powers. We are indeed living in a period of constitutional conflicts. To the average American this question of rights and freedoms is getting pretty badly jumbled.

The constitutional right of an American to refuse to bear witness against himself has been given rigorous new safeguards lately, as we have discussed at length in dealing with title II and criminal confessions. Unless a suspect is given an immediate lecture on constitutional rights and provided with an attorney, his confession cannot be used against him regardless of how voluntary it was. Even with those precautions, the confession may be thrown out unless the arrested man is taken quickly before a magistrate.

But the same system that has made such a fetish of rights in criminal arrest procedures has also come up with an equally rigorous restraint on many of the freedoms that once were taken for granted by Americans. We can no longer exercise a free choice, for example, in selling or renting of homes, in planting crops, in hiring or firing of employees, in serving business customers, in going on strike, in merging businesses, in setting prices on goods, and in a myriad of other activities upon which government restraints have been placed.

Many of these new safeguards and many of these new restraints are good. Many, I think, are not good. To most Americans, I am sure, they are greatly confusing. We begin to wonder—what are our rights and freedoms? Which ones will next be protected with new emphasis and which will be severely restrained?

When we take up the question of gun control in title IV, we definitely enter into the area of constitutional rights. Are we going to create still another paradox?

I am wondering, simply, how my right not to bear witness against myself stacks up against my right to bear arms. Perhaps that is oversimplification, but I submit that the recent zeal to protect the rights of the accused has gone too far. I would not want to see our zeal to control weapons also go too far.

In the Omnibus Crime Control and Safe Streets Act, as amended and submitted by the Committee on the Judiciary, I contend we have a built-in paradox. We are trying in one section to restore balance to the interpretation of one constitutional right and in the other to infringe too far into another constitutional right. To remove the paradox and provide a more balanced bill, I believe we must insist on changes in the gun control section.

Mr. President, I am speaking now directly in support of the title IV amendment proposed by the Senator from Nebraska [Mr. HRUSKA]. I believe it is the best alternative before us in the very sensitive area of gun controls. Title IV as it stands goes too far, in my opinion, and places excessive restraints on millions of law-abiding and responsible Americans to achieve the goal of impeding criminals. I agree with Senator HRUSKA that title IV—or the "Dodd bill,"

as it is best known—is fundamentally objectionable. The exemption of rifles and shotguns in two instances eases but does not eliminate the objections. These longguns are covered in some 50 other provisions in the title.

We have heard it many times, but I will repeat again the argument of the sportsmen, the hobbyists, and the millions of other law-abiding Americans who wish to be free to buy guns within their constitutional right to bear arms: Guns do not cause crime; criminals cause crime.

The target of any legitimate Federal gun controls, then, must be the criminal and those clearly incompetent to possess firearms. And the thrust of any legitimate Federal gun controls must be at strengthening, not overriding, State and local controls. With this in mind, I can find no serious objection to the Hruska amendment. I believe this alternative does the best job of providing the minimum restraint on legitimate gun purchases while imposing the most effective restraints possible on criminal and incompetent purchases. It does the best job of bolstering State and local controls. And, looking at gun controls from a strictly practical view, it is most workable.

Mr. President, we are all too familiar with the many reasonable laws that have been enacted that turned out to be burdened with unreasonable and unworkable rules, regulations and enforcement provisions. I do not believe title IV as it is now worded, can pass the practicality test from several standpoints. The Dodd bill requirements on dealers, shippers, buyers, and various public officials, for example, are cumbersome at best. In many respects they tend to eliminate several legitimate commerce activities and further tend to create federally sanctioned monopoly. The burdens they impose are often unfair.

To those who say the only pertinent test of gun control is its effectiveness, I say that we know at the outset that no gun control law, no matter how strict we write it, is going to keep guns out of the hands of criminals. They will steal them, smuggle them, blackmarket them—even manufacture them if they are determined to have them—and they are. Our real objective, as I see it, is to make guns less accessible to those who would misuse them and, in the process, make it easier for State and local authorities to enforce their own laws and keep tabs on gun purchases. It is also our objective not to infringe on the constitutional rights of honest and responsible Americans in the process.

With these objectives in mind, Mr. President, I urge the adoption of the Hruska amendment. We already have enough paradoxes in our laws. Let us not build any more into this important crime control legislation. Let us aim the provisions of this legislation directly and accurately at the real target—the major domestic problem confronting our Nation today: the criminal.

The PRESIDING OFFICER (Mr. CANNON in the chair). Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator make that request on his time?

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be permitted to suggest the absence of a quorum and that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 786

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of my amendment No. 786, as modified, which is a perfecting amendment to title IV; and I ask that it be stated.

The PRESIDING OFFICER. Is the Senator from Massachusetts asking unanimous consent that he be permitted to offer his amendment now, even though all time has not been used on the Hruska amendment?

Mr. KENNEDY of Massachusetts. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 80, beginning with line 17, strike out all through line 22 on page 83.

On page 84, line 1, strike out "902" and insert in lieu thereof "901".

On page 89, line 20, strike out "other than a rifle or shotgun".

On page 90, between lines 15 and 16, insert the following new paragraph:

"(C) This paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from shipping a rifle or shotgun to an individual who in person upon the licensee's business premises purchased such rifle or shotgun: *Provided*, That such sale or shipment is not otherwise prohibited by the provisions of this chapter; and".

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(D)".

On page 93, line 12, strike out the period and insert in lieu thereof: "; or to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, if the firearm is a shotgun or rifle."

On page 106, line 1, strike out "903" and insert in lieu thereof "902".

On page 106, line 4, strike out "904" and insert in lieu thereof "903".

On page 106, line 14, strike out "905" and insert in lieu thereof "904".

On page 106, line 18, strike out "906" and insert in lieu thereof "905".

On page 106, line 20, strike out "907" and insert in lieu thereof "906".

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY of Massachusetts. Mr. President, I believe we have come to a turning point in the long and arduous contest over a Federal gun law. Finally there seem to be rays of light and clarity shining through the murky fog that has surrounded this contest for over half a decade. Let me set forth as plainly and as simply as I can the bare facts which should enable us to move swiftly and responsibly when we vote on the various alternative proposals for Federal gun regulation that will be before us tomorrow.

First and foremost is the fact that no one, to my knowledge, is arguing any longer that there should not be any Federal gun legislation. This is a crucial development, for it means that we all recognize that something must be done about the ease with which people who should not have guns can acquire them. Thus the question before us is no longer whether we should have Federal gun legislation, but what kind of gun legislation we should have. We are agreed that there is a connection between the easy availability of guns in this Nation, and the damage they cause. We are agreed that there is something lacking in the present legislative framework. We are agreed that any comprehensive anticrime program must include gun-control legislation. Now we must agree on what the best and most effective way to meet this need is.

The second pertinent fact is that we have broad agreement on the nature and source of the gap which needs to be filled by Federal legislation. Both title IV and the Hruska amendment focus on the heart of America's problem with the flow of firearms—interstate evasion of State and local gun regulations. We are a large nation of 50 States and thousands of local communities. The size, shape, topography, density, habits, needs, and traditions of each State and each community differ vastly in many dimensions of life, but especially in both the nature of the crime problem and in the role of firearms in daily living. That is why the framing, and administration, and enforcement of comprehensive gun controls has been left to the States and their subdivisions. Especially in the field of law enforcement, we try to leave as much choice, discretion, and flexibility in the communities' local leaders and limit Federal regulation and enforcement to fields where it is necessary to effect national goals to assure consistency where consistency is desirable, and to provide support and sustenance to the achievement of local goals. It is primarily in this last effort that the need for Federal gun legislation is critical. We have left to the States and localities the choice of

whether, and what kind of, restrictions they want to place on their citizens' purchase, ownership, and use of deadly firearms. Some States and communities have opted for the strongest possible licensing, permit, registration, and control provisions on both handguns and long guns. Some have chosen only certain types of regulation over only certain types of weapons. Others have chosen to leave their citizens, as it were, to their own devices, letting them buy and sell and hold and use guns in whatever way they please. We can, and do, assume for the purposes of the decisions we here will make this week, that those local decisions are within the permissible range of responsibility, that a State can reasonably decide that it wishes to place no restrictions on the acquisition, ownership, and use of guns. But the question we as national legislators are faced with is, What are the national implications of such a decision? What happens when two neighboring States make different choices as to the kind of gun controls they want?

This is where, again both the title IV approach and the Hruska approach come to the same general conclusion. Both recognize that no State can enforce the gun regulations it has chosen for its citizens when those citizens can merely go to the next State to purchase weapons, and can merely order a gun from a distant State by mail. No State really has any strong incentive to pass or enforce its own gun regulations if they can be so easily evaded through out-of-State transactions. Thus, again, we are all agreed that the primary role of the Federal Government should be to reinforce local law enforcement by precluding the evasion of State and local laws. And we are agreed that the two principal loopholes in effective local controls are out-of-State mail-order sales, and over-the-counter sales to nonresidents. Title IV covers both of these areas. The Hruska bill covers both of these areas.

Two facts, then, are both plain and accepted by all: First, we need Federal gun control legislation; and, second, the legislation should affect both interstate mail-order sales and nonresident over-the-counter sales. There are two remaining facts which have over the past several months become clear to many of us, and which, I believe, will form the basis of agreement in this body. The first is that the best way to support local gun law enforcement is to assure that at some point in the acquisition process some local entity, locally responsible and locally known, has a role to play. The simplest, most convenient way to do this is to require that on all out-of-State sales, delivery be made through a locally run, federally licensed dealer. This dealer can routinely and effectively see to it that the requirements of the buyer's community, as well as those of the Federal Government, are met. This is the framework of title IV.

I might say, Mr. President, that what we are really trying to achieve is to provide the principal responsibility where the responsibility is due; namely, with the dispenser of the firearms. We feel that he should bear somewhat more responsibility for the distribution of those weapons. It is in line with respect for tradition in our society and in our legal framework.

For example, in the distribution of drugs, we provide that pharmacies shall bear the principal burden for supervision and overseeing the provisions of Federal legislation. That is appropriately so because they are closest to the distribution of drugs. As well, we provide for responsibility in the distribution of liquor and alcoholic beverages, that the dealers themselves have the responsibility to live up to the provisions of any Federal legislation.

Similarly, the thrust of both title IV and the provisions suggested by my amendment is that the principal responsibility will be with the dealer, which I believe is appropriate because they will be the ones to make the profit from the distribution and sale of weapons and should therefore bear some responsibility to assist in making the law meaningful. And I want to emphasize that even under title IV and my amendment, this responsibility is not very burdensome.

Those of us who support that approach feel this is the best way, and that we should not, in turn, expect to provide unnecessary and cumbersome kinds of burdens and responsibilities, upon the local law-enforcement agencies, which we believe will be the result of the Hruska amendment.

The only alternative which has been suggested is that enforcement by remote control be attempted by the out-of-State seller through an affidavit procedure.

Let me repeat some of the observations I made very briefly in colloquy with the distinguished Senator from Nebraska [Mr. HRUSKA].

It does seem that the affidavit procedures themselves are not realistic and are not generally enforceable. For example, in reviewing the affidavit procedures, we find that no picture needs to be included in the affidavit, nor any fingerprints, nor do there really have to be any witnesses, and that it would be possible for the applicant himself to write in aliases on the affidavit instead of his real name.

Think of the tremendous burdens and responsibilities for local law enforcement to have to run through any of these kinds of procedures and then report back within a period of 7 days to the distributor of the weapon.

The affidavit procedure does seem to require these rather elaborate kinds of procedures to check and see whether the applicant himself is in violation of any Federal, State, or local laws.

Think of the additional burdens that will be placed upon local law enforcement.

I think we see, as well, that the affidavit provisions and procedures cannot really be considered as a realistic alternative. Not only are there Members of the Senate who have suggested that the affidavit procedure is unworkable, but a number of Federal, State, and local law-enforcement groups have stated it as well. They are the most familiar with the various kinds of procedures. They will have to follow the kinds of procedures which they themselves have rejected as an effective way to fulfill their obligations.

I think this is the approach which Members of the Senate must consider extremely closely, both in title IV and in the amendment I have suggested this afternoon.

To include the long guns places the responsibility where it is due; namely, upon both the applicant himself and the distributor of the weapon.

It is only fitting to do it and does not create a serious inconvenience upon our sportsmen in the pursuit of their own interests.

Referring back to the affidavit provision, I think it is clear from the discussion we have had today that the procedures suggested for implementing such an alternative would be complex, burdensome to all concerned, subject to easy evasion and avoidance, and, most important, incapable of producing the desired result.

Moreover, there is just no need to look for an alternative. The procedures outlined in title IV are reasonable and responsible. They are in fact almost identical to the procedures which some of the Nation's largest gun sellers have voluntarily adopted in the public interest.

I think it is important that two of the largest distributors of these weapons, as I understand it, Montgomery Ward and Sears, Roebuck, have already set in motion voluntary kinds of procedures, themselves, to prevent the indiscriminate use of firearms and intrastate applications for these weapons. The procedures which they have outlined have been far more severe than the modest ones which have been outlined in this legislation. Both of these distributors have established new company policies that no firearm—and this means rifles and shotguns—will be sold to a purchaser unless he picks it up in person and proves that he is 21.

These companies have established these procedures at whatever inconvenience or burden to themselves. They have assumed them and have demonstrated good faith in trying to meet this problem. I think their experience has demonstrated that it does not place a considerable burden on the distributors themselves.

The long gun provisions will not prevent any law-abiding adult from purchasing any gun anywhere in the country which his State and local laws would permit him to purchase. Let us be clear that the obligation of a citizen to comply with the State and local regulation of the place in which he lives cannot legitimately be called an "inconvenience." A man who chooses to live in a place must abide by its laws, and he certainly has no equities if his complaint about title IV is that it will require him to do so.

Much is made of the argument that it will place additional burdens on individuals to fulfill the provisions of the laws of his own State if he goes out of the State. It seems to me this is a spurious argument.

The last plain fact, and the principal subject of the amendment I have proposed, is that if we are to met the goal

of reinforcing local gun regulations through Federal regulation of interstate gun transactions, it makes no sense to provide coverage over some guns but not others. Specifically, if we cover only the sale of handguns and not the sale of equally—and sometimes more—potent and deadly long guns, we wil be leaving a loophole for death and destruction that has no justification and no logic. Let there be no misunderstanding. To seek to prevent rifles and shotguns from being misused is not to place any stigma on those who use them legitimately. We are not criticizing those who hunt or compete with long guns, or those who collect them. But we must, again, recognize plain facts. Even under present laws nearly 30 percent of gun murders are committed with long guns. And, it is the snipers rifle, with its long range and deadly accuracy, which throws fear into the policeman and the fireman who must deal with the violent upheavals which have plagued our cities. It is the rifle that has been the tool of the vicious assassins who have brought us national tragedy and international shame. What is more, if we are able effectively to prevent criminals, juveniles, addicts, incompetents, and others designated by State and local law, from having interstate access to handguns, then if there are no controls on the interstate flow of long guns, those same people will substitute long guns for their activities.

This we cannot and should not tolerate. We must add long gun coverage to title IV. That is what amendment 786 will do, and that is why we must adopt it.

I would like to include in the RECORD some of the important and significant statistics on this question, but first I yield to the distinguished Senator from Connecticut [Mr. DODD]. I shall then come back to this request.

Mr. DODD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I yield 15 minutes to the Senator from Connecticut.

Mr. DODD. That will be ample. I think I will not use that much time.

Mr. President, I wish to express my support for the amendment that has just been called up by the distinguished Senator from Massachusetts [Mr. KENNEDY], adding controls over rifles and shotguns to the other provisions of title IV.

So that the RECORD will be clear, I perhaps should point out that I have always favored including rifles and shotguns in any gun control legislation. Indeed, such controls were incorporated in a bill which I introduced as early as November of 1963.

I fought for the inclusion of rifles and shotguns in the prolonged debate which took place in the Judiciary Committee before title IV was accepted as an amendment to S. 917. Unfortunately, a majority of the committee voted otherwise.

The amendment introduced by the Senator from Massachusetts is identical to the amendment which I myself introduced on May 7. I warmly welcome the support and participation of the Senator from Massachusetts who, as Senators know, has been in the front ranks of the battle for effective gun control legislation.

As I have pointed out, the amendment now before us originally formed part of the amendment to S. 917 which I offered in the Judiciary Committee, but these provisions were stricken from title IV because they were unacceptable to the majority of the committee.

I ask the Senate to accept the amendment now before us, however, because this is the only way we can make the other provisions of this title fully effective.

Essentially, this amendment does two things.

First, it would restrict the interstate mail-order shipment of long arms to individuals other than licensed dealers.

Second, it would prohibit federally licensed dealers from selling rifles and shotguns to persons under 18 years of age.

I ask for the enactment of this amendment because the evidence before us demands it.

And I appeal to every Senator to consider the facts, and to disregard the pressures brought to bear by the opponents of this measure.

The issues should be clear.

Shall we pass legislation that most effectively protects the Nation? Or shall we, after 5 years of hearings and committee discussions and prolonged debate, enact compromise legislation that only does half the job?

This is the question that must be asked on all the control provisions of title IV of the crime bill.

And this is the question that must be asked in connection with my amendment to include rifle and shotguns under the controls proposed in the bill.

Some 500 editorials carried by the press of this Nation over the past 2 years have accused Congress of negligence in gun control.

We have been accused of stalling on the gun bill, of being swayed by the gun lobby.

And there is truth to all of these accusations.

Even now, when after 5 years of deliberations, a bill has finally reached the floor of the Senate, it is a bill which has been weakened and rendered partially ineffective by the Judiciary Committee's decision not to include rifles and shotguns in the bill.

And there is now an effort afoot to further whittle down this legislation or to pass substitute legislation tailored to appease the gun lobby.

The principal argument against this amendment is that purchasers of rifles or shotguns might be "inconvenienced" by the requirement that they appear in person at some point in the course of making their purchase.

Let us not exaggerate this inconvenience. Any legitimate buyer will still be able to get the same variety of weapons that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the weapon through a local dealer or local outlet; and that he would have to appear at some point before receiving the weapon.

He can have the catalogs at home, or go look at them down at the dealer's shop. Either way, he will have the same variety of choice that he has had up until now.

Mr. President, I ask my colleagues to look at the evidence, to resist the pressures of a lobby that represents only a minority of our hunters and to pass the proposed title IV together with this rifle and shotgun amendment.

I will repeat the facts to support this need, as I have found them in years of study and investigation.

I will set them forth, once more, as I have in scores of statements explaining the gun problem.

We must pass the gun bill, because 18,000 of our citizens are killed every year by firearms in the hands of persons who should not have been allowed to obtain them and to use them.

We need controls over shotguns and rifles because they play a substantial role in this massacre.

Thirty percent of all firearms murders in the Nation involve the long guns. In rural areas it is over 50 percent.

In 1966 alone, 1,747 of our citizens were murdered with rifles or shotguns.

And the growing volume in the mail-order traffic of long arms shows that at a minimum, according to a Juvenile Delinquency Subcommittee study, 15 percent of the purchasers of these long arms have criminal records.

The evidence shows that as more regulations are placed on handguns, the criminals resort to long arms to threaten, assault, and murder our citizens.

This has been true in Philadelphia, in New York, and in other cities across the Nation.

Death by mail-order gun has become commonplace in this, the "age of the sniper."

At a tragic cost, we have had to learn in recent years that the long arm is as deadly as a handgun.

There is also ample proof that, fitted with a sniperscope, it is far more deadly as a murder weapon.

A mail-order rifle, not a pistol, was used to assassinate President Kennedy.

A rifle with a sniperscope struck down Dr. Martin Luther King.

And a rifle made possible the murderous toll in young lives taken by a demented firearms fanatic at the University of Texas.

Time and again the assassin has chosen the rifle over the handgun.

It should also be a matter for increasing concern that the rifle is the main arm of the big city riot sniper, the new breed of killer from the rooftop.

In the Detroit riot, far more long arms were taken from criminals and snipers than handguns.

There is no truth in the assertions of those who oppose regulation of the mail-order trade in long arms, that these guns are not used by criminals because they cannot be concealed.

Both Lee Harvey Oswald and Charles Whitman concealed their rifles and transported their weapons in broad daylight, through streets and buildings, in full view of the public.

Furthermore, a sawed-off shotgun or rifle can easily be concealed.

And these sawed-off weapons can be and are produced from long arms acquired through mail order.

I asked the Treasury Department to study their latest long gun cases, and they found 98 sawed-off shotguns and 14 sawed-off rifles among 207 guns involved in just 200 recent firearms violations. The Treasury Department told me that the conversion of long arms into concealable weapons was the most compelling reason for controlling rifles and shotguns under Federal legislation.

I fully predict that with stronger regulation on handguns there will be more of this conversion of long arms into deadly concealable weapons.

In one way or another, as summed up by Mr. Quinn Tamm representing the International Association of Chiefs of Police, "the long arm has taken its place in 20th century crime with a demolishing force."

Today the problem has reached explosive proportions. But the potential danger from the long arm and the need to control it was recognized as long as 30 years ago by the then Attorney General Homer Cummings of Connecticut. Speaking before the very organization Mr. Tamm today represents, Mr. Cummings said:

> These weapons continue to take their terrific toll. The high-powered rifle which will kill big game at tremendous distances is, unfortunately, equally effective against human beings. During the past two years, improvements have been made, both in hand arms and the quality of ammunition which have already rendered obsolete much of the protective equipment of law enforcement agencies. We cannot longer remain blind of these facts.

The truth is that we have remained blind to these facts for the last 30 years.

That is why we have the explosive problem today.

And that is why I call for the regulation of the mail-order traffic in these weapons. That is why I ask that we do not procrastinate any longer.

Further failure to act on the need to regulate the sale of long guns will continue to render State and local gun laws ineffective and State and local law-enforcement officials virtually helpless.

The files of Kleins Sporting Goods Co. of Chicago, Ill., which is a leading and reputable firm, show that mail-order rifles and shotguns have been sent to persons with criminal arrest records in Chicago, Ill.; in Dallas, Tex.; in Philadelphia, Pa.; in Los Angeles, Calif.; in the State of New Jersey; and in the State of New York. The criminal records of the persons who received these weapons include offenses of assault, assault and battery, assault with a deadly weapon, assault and battery on a police officer, sex offenses, and narcotics and dangerous drug offenses.

This amendment would require such individuals to appear in person before a federally licensed dealer when attempting to buy a long arm.

And it would require them to signify, under the threat of imprisonment, that they do not have a felony conviction in their past, in order to lawfully obtain the weapon.

Some of them would almost certainly duck such a confrontation.

And, to the extent that criminal elements will be deterred or prevented from purchasing rifles, lives will be saved by the overall reduction of the number of deadly weapons in criminal hands.

Mr. President, life in the 20th century requires regulation of many aspects of human behavior.

I cannot believe that we are so blind that we would reject this minimal control over a deadly weapon when our times have required regulation even over the ownership of children's bicycles.

I stand convinced that we must have this mail-order regulation over long arms.

Equally important is the other part of this amendment, which would prohibit the sale of rifles and shotguns to persons under 18 years of age unless accompanied by a parent or guardian who makes the purchase.

Since 1960, crimes against the person by juveniles have increased 78 percent.

These crimes of violence include robbery, assault, and murder.

Since 1960, the number of persons under 18 years of age arrested for murder increased 45 percent.

Juvenile robberies increased 55 percent.

Aggravated assault increased 115 percent.

We must protect immature youth from themselves and from the unscrupulous dealers who sell deadly weapons indiscriminately. No juvenile should be permitted to buy a gun without permission from a parent or guardian.

Certainly, no juvenile should be able to buy a gun, when the law forbids him to purchase beer or cigarettes or to drive an automobile.

This is a simple matter of public safety, of parental responsibility, and of commonsense.

The prohibition on juvenile gun purchases must be in this bill.

Mr. President, this amendment does not place unreasonable hardships on the hunter; it does not infringe on his ownership of firearms or his ability to acquire them.

But it does spell the difference between a half measure and an adequate law.

It will, I am certain, make a difference in the crime rate and a difference in the number of human lives lost to gunfire every year.

The public has asked for this protection and our law-enforcement officers have endorsed it.

A vote to approve the gun bill with the amendment now before us will prove that this Congress represents the majority of the American people who want meaningful gun laws, and not the small minority of gun fanatics and gunrunners who oppose them.

I thank the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 63 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself an additional 10 minutes.

I wish, first of all, to express my appreciation for the helpful comments which have been made by the Senator from Connecticut. As I mentioned earlier in the afternoon, he sat through many long hours of hearings, and had an opportunity, perhaps greater than that of any other Senator, to hear the pros and cons of this legislation; and, of course, with that kind of background, he brings a high degree of knowledge and understanding to this debate.

One of the things the Senator brought up in the course of his comments, to which I alluded earlier, is the kind of routine regulation that we as a people accept in this country, for the policing of our society in a variety of different ways.

I think, as has been suggested by the Senator from Connecticut, that we all realize the extraordinary amount of regulations imposed upon the ownership and use of children's bicycles. The same pertains in the field of automobiles. The public generally accepts and recognizes the need for these regulations. It is necessary to have such regulations in order that we might enjoy the right and opportunity to use our automobiles on local roads and on our great interstate highways.

Young people are required to have a license in order to drive an automobile even within the State. There are also detailed obligations and regulations pertaining to the purchase of a vehicle. Certain documents must be obtained if one sells his vehicle. Also, a vehicle must be inspected so many times a year.

We have to have a driver's license. This license has to be renewed at different times in different States. It is sometimes every year and sometimes every 2 years.

It is necessary to have all of these regulations. In our daily activities of life we accept them because we know they are needed. Society generally understands and accepts the need for such regulation.

Those of us who support title IV and also the long gun amendment recognize that we are really attempting to provide some very basic, minimal kinds of procedures which must be observed and lived up to in order to help eliminate the opportunity for juvenile delinquents and hardened criminals and mental incompetents to acquire weapons in our society today.

The Crime Commission was made up of some of the most important law-enforcement officials in our country today. They have all stated that this kind of legislation is the absolute bare minimal legislation that should be passed if we are really going to come to grips with crime and the problems that exist in our society today.

Those of us who support this legislation realize that even the proposals advanced in title IV and in the amendment which I have offered this afternoon in no way really infringes upon the legitimate sportsman or interferes with his interest in and his legitimate use of weapons.

Those of us who support the pending legislation are merely following the recommendations of the principal law-

enforcement officials of our country. These officials have stated time and time again before the Juvenile Delinquency Subcommittee that if we are serious about meeting the problems of crime and violence as they exist in our country today, we should be prepared to come to grips with this legislation and pass the kind of legislation which we are considering this afternoon. And we will have a full opportunity to express ourselves as a unit and as a legislative body tomorrow.

Mr. President, we encounter the argument time and time again concerning the constitutionality of gun control legislation. I do not know whether that argument has been made as yet today. I have not heard it made this afternoon. However, in every kind of publication the argument is made, by those who do not want the passage of any kind of effective legislation, that the passage of any kind of legislation would effectively interfere with the second amendment rights. It is said that it is somehow unconstitutional to control the flow of lethal firearms to private persons in this country.

The proponents of this view usually cite the last portion of the second amendment about "the right to bear arms," but in the interests of thoroughness and fairness, I state the amendment in its entirety:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

As we all know, both the National and Federal Firearms Acts were enacted by Congress over second amendment arguments identical with those which have been raised in opposition to title IV of S. 917. Congress did not believe that the second amendment was an obstacle to such legislation and that belief has been supported in case after case decided by the Supreme Court of the United States.

Gun control opponents would have us believe that the second amendment was adopted to insure the private citizen the "right to bear arms" unhampered and uninhibited by any Government controls. Neither Congress nor the Supreme Court has accepted that interpretation.

Legal scholars are in general agreement that the second amendment was adopted as a prohibition upon Federal interference with the creation and maintenance of state militia. The term "state militia" today means the National Guard, equipped and trained by the Federal Government. Those scholars for the most part, also agree that the concept of "bearing arms" is not a civilian, but a military concept and that the "right," as it relates to individuals, is simply the right to participate in the state militia. Private armies, like the self-appointed defenders of the country called the Minutemen, are not "militia" in this sense, for they are not State-organized.

I believe that the case of *United States* v. *Miller*, 307 U.S. 174, decided by the Supreme Court in 1939 is the clearest expression of the law in this area. That case involved a violation of a Federal firearms law and, in answer to a challenge by the defendants that the law was unconstitutional, the Court said that the second amendment did not guarantee the right to keep and bear any weapon which did not have a "reasonable relationship to the preservation or efficiency of a well regulated militia." The Court pointed out that the obvious purpose of the amendment was to assure the continuation of the effectiveness of the militia subject to call and organization by Congress under article 1, section 8, clauses 15 and 16 of the Constitution. The Court concluded that that end must be kept in mind in interpreting and applying the second amendment.

There is also authority for an even more narrow and restrictive interpretation of the second amendment. Under this view, the second amendment merely affirms the right of the State to create and maintain militia.

But, regardless of which view we choose to accept, the fact remains that a challenge to Federal firearms legislation finds little support in the second amendment.

A thorough analysis of this question has been prepared by the Department of Justice. I ask unanimous consent to have this analysis printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE MEMORANDUM RE FEDERAL FIREARMS CONTROL AND THE SECOND AMENDMENT

The Second Amendment to the Constitution provides: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

An examination of the relevant federal and state cases, commentaries on constitutional law, and the legislative history of the National Firearms Act and of the Federal Firearms Act produces the following conclusions, which will be amplified and supported below:

(a) At the time of the passage of the National Firearms Act in 1934 and the consideration and passage by Congress of the Federal Firearms Act from 1935 to 1938, the Second Amendment was not considered to be an obstacle.

(b) Decisions applying federal firearms legislation hold that the Second Amendment was not, as the First Amendment was, adopted with individual rights in mind, but was a prohibition upon federal action which would interfere with the organization by states of their militia. The federal firearms legislation was held not to interfere with such organization.

(c) The organized militia of the several states is today the National Guard of each state (and any Naval Militia) equipped by the Federal Government and trained in accordance with the discipline established under the authority of Article 1, section 8, clause 16 of the Constitution. Consequently, it appears that the "well regulated militia" referred to in the Second Amendment is at the present time the organized militia of the several states. The amendments to the Federal Firearms Act would in no way interfere with the organization, functioning or expansion of the National Guard (or Naval Militia).

(d) The concept of the right of the people to keep and bear arms, as expressed in state constitutions as well as in the Second Amendment, has been held not to prevent the states from regulating the carrying of deadly weapons by individuals, or from prohibiting the formation of military organizations other than the organized militia. The concept of "bearing arms" is primarily a military concept and has been distinguished from the carrying of a weapon for personal purposes. In so far as the right is deemed to exist in individuals, it is often identified with the right to participate in an organized militia. Moreover, several state decisions and commentators on constitutional law have concluded that the word "people" in the Second Amendment and like provisions in various state constitutions is used in the collective sense to mean the people organized as a body politic.

(A) CONSIDERATION OF THE SECOND AMENDMENT IN THE PASSAGE OF PRIOR FEDERAL FIREARMS LEGISLATION

In connection with the passage of the National Firearms Act in 1934 under the power of Congress to lay and collect taxes and to regulate interstate commerce, the Attorney General advised the Committee on Ways and Means that there was no constitutional objection to the legislation.[1] Members of the Committee indicated agreement with this view.[2] That this was the accepted view is indicated by the fact that the Second Amendment was not referred to in the 1935 hearings[3] preceding the passage of the Firearms Act of 1938, regulating interstate traffic in firearms, nor was it discussed in the several Committee Reports on this legislation.[4]

(B) INTERPRETATION OF THE SECOND AMENDMENT IN FEDERAL FIREARMS PROSECUTIONS

The argument that the Second Amendment inhibits federal regulation of dealings in firearms was raised by defendants charged with, or convicted of, violation of the National Firearms Act or the Federal Firearms Act. In each case the Second Amendment was held not to bar the federal legislation, one of the cases being decided by the Supreme Court and two being considered by that court; *United States* v. *Adams*, 11 F. Supp. 216 (S. D. Fla. 1935); *United States* v. *Miller*, 307 U.S. 174 (1939); *United States* v. *Tot*, 131 F. 2d 261 (3rd Cir. 1942), reversed on other grounds, 319 U.S. 463 (1943), and *Cases* v. *United States*, 131 F. 2d 916 (1st Cir. 1942), cert. denied, sub nom. *Velazquez* v. *United States*, 319 U.S. 770 (1943). An analysis of these decisions, particularly those in *Tot* and *Cases*, demonstrates that the proposed amendments to the Federal Firearms Act are in no way invalidated by the Second Amendment.

The National Firearms Act of June 26, 1934, 48 Stat. 1236 (now 26 U.S.C. 5801–5862) levied taxes on dealers, manufacturers and importers of defined firearms and on transfers of such firearms, and required that every person possessing any such firearm not acquired from a registered manufacturer or dealer or importer must register with the Secretary of the Treasury or his delegate the identification of the firearm and his own identification. Each transfer of such a firearm (except between registered dealers) was to be accompanied by a written order with an IRS stamp affixed.

In an early prosecution under this act, *United States* v. *Adams*, *supra*, the defendant demurred to the charge of violations of the act on several constitutional grounds including infringement by the act of the Second Amendment. The court disposed of this argument by holding that the Second Amendment had no application to the Firearms Act. It declared that the Constitution "refers to the militia, a protective force of government; to the collective body and not indi-

[1] Hearings on H.R. 9066, 73rd Cong., 18–19 (April 16, 1934).

[2] *Id.* at 53–54.

[3] Hearings before the Senate Committee on Commerce on S. 3, 74th Cong. (April 16, 1935).

[4] See S. Rept. 997, 74th Cong., H. Rept. 2663, 75th Cong., and S. Rept. 82, 75th Cong.

vidual rights" (at 219), citing Supreme Court and state court cases and a constitutional commentary on "The Right to Keep and Bear Arms," by McKenna, discussed below.

In *United States* v. *Miller*, 307 U.S. 174 (1939) the Supreme Court upheld the conviction of two men who transported in interstate commerce a shotgun which came within the definition of a "firearm" under the National Firearms Act and was not registered as required by that act nor covered by a stamp-affixed order. The act was challenged by the defendants as unconstitutional under the Second Amendment. The Court found that the Second Amendment did not guarantee the right to keep and bear any weapon not having a "reasonable relationship to the preservation or efficiency of a well regulated militia." The Court stated that the obvious purpose of the amendment was to assure the continuation and render possible the effectiveness of the militia subject to call and organization by Congress under Article 1, section 8, clauses 15 and 16 of the Constitution and that the amendment must be interpreted and applied with that end in view (at 178).

The Supreme Court recognized that at the time the Constitution was drafted the militia was considered to be a "Body of citizens enrolled for military discipline" and that "ordinarily when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time" (at 179). The Court further recognized that as of 1934 most, if not all, of the states had adopted provisions regulating the right to keep and bear arms and concluded that none of these laws affected the right of the Federal Government to adopt the National Firearms Act (at 182).

Any implication in the reasoning of the Court that the more efficient a weapon might be for purposes of a well regulated militia the less subject it might be to Congressional regulation was dissipated in the two Circuit Court holdings which the Supreme Court did not disturb. *Cases* v. *United States*, 131 F. 2d 916 (1st Cir. 1942), cert. denied, sub nom. *Velazquez* v. *United States*, 319 U.S. 770 (1943; *United States* v. *Tot*, 131 F. 2d 261 (3d Cir. 1942), reversed on other grounds, 319 U.S. 463 (1943). These cases upheld convictions under the Federal Firearms Act enacted June 30, 1938 (15 U.S.C. 901–909). The provision of the act which had been violated in each of these cases was section 902(f) making it unlawful for any person convicted of a crime of violence to receive firearms or ammunition transported in interstate or foreign commerce. The defendants in both cases invoked the Second Amendment.

In the *Tot* decision the Circuit Court held that it was abundantly clear from the discussions of the Second Amendment contemporaneous with its proposal and adoption, and from the analysis of the amendment by learned writers since then, that unlike the First Amendment, it "was not adopted with individual rights in mind, but as a protection for the States in the maintenance of their militia organizations against possible encroachments by the federal power" (at 266). It further stated that "weapon bearing was never treated as anything like an absolute right by the common law" but was regulated by statute as far back as the Statute of Northampton in 1328 and on many occasions since (at 266). The court concluded that the federal statute providing a general regulation of interstate and foreign commerce in firearms was consistent with the history and purpose of the Second Amendment. The court affirmed the lower court decision, (*United States v. Tot*, 28 F. Supp. 900, 903 (D. N.J. 1939)) which had cited approval the opinion in the *Adams* case that the amendment referred to a collective protective force and not to individual rights.

In the *Cases* decision the First Circuit also pointed out that the right to keep and bear arms "is not a right conferred upon the people by the federal constitution" and that whatever rights they might have depended on local legislation (at 921). Furthermore, while the only function of the Second Amendment was to prevent the Federal Government from infringing that right, the limitation imposed was not absolute (at 922). The court concluded that the framers of the amendment did not intend to give private individuals a right to possess deadly weapons of any character, whether or not they were of the kind that would be useful to a well regulated milita. Specifically, the possession of ammunition by the defendant in that case for purposes of his own was not a right guaranteed by the Second Amendment.

(C) THE PRESENT DAY "WELL REGULATED MILITIA"

In 1792, the year following the adoption of the Second Amendment, Congress acted under its power in Article I, section 8, clauses 15 and 16 of the Constitution to provide for calling forth the state militia as necessary to meet invasion or insurrection with payment the same as for United States troops,[5] and to provide for the enrollment and organization in the state militia of able-bodied men between prescribed ages with the requirement that they provided their own arms as specified.[6]

However, in 1808 Congress provided that a certain number of arms should be annually supplied to the whole of the enrolled militia. An annual appropriation of $200,000 was provided for this purpose. The arms were to be distributed to the states in the proportion that each militia bore to the whole, and in accordance with state regulations, while title to the arms was to pass to the states.[7] This arrangement continued until 1897 when Congress, dissatisfied with the 1808 Act, doubled the annual appropriation and required the states to create and maintain a regular, enlisted, organized and uniformed, active militia in order to be eligible for the federal arms. Moreover, Congress required the states to account for the property furnished and provided that it was to remain the property of the United States.[8] Soon thereafter Congress provided that the "regularly organized armed and equipped militia" (generally known as the state National Guard) could exchange its arms, either furnished by the Federal Government or purchased by the state out of its own appropriation, for an equivalent number of caliber .45 Springfield rifles.[9] Congress also provided that the states could purchase for the use of their militia other arms and supplies from the Army for cash.[10] It was recognized that the states continued to purchase arms and equipment for their militia from their own appropriations.[11]

From 1887 to the present day the Federal Government has supplied arms to the state militia under legislation prescribing the kind, quality, care and accounting of such arms, with the provision that the arms remain the property of the United States.[12]

In 1903 Congress provided that the "regularly enlisted, organized, and uniformed active militia in the several States" should constitute the "organized militia" and be known as the National Guard (or such other name as the state might give), that all other able-bodied men between the ages of 18 and 45 should be known as the Reserve Militia, that federal equipment could be distributed only to the organized militia, and that any state could procure from the War Department additional arms for its organized militia where that body met certain specified training requirements.[13] Since that time the organized militia of the states has been the National Guard (and the Naval Militia),[14] and the remaining eligible manpower forms "the unorganized militia" which has no status until members are called into the National Guard under state or federal law (see 10 U.S.C. 311). This distinction between the organized militia known as the National Guard (or the Naval Militia) and the unorganized reserve is followed in state laws. For example, see New York—Military Law § 2; Pennsylvania—51 P.S. §§ 1–202, 1–203; Virginia—§ 44–1; and Texas-Verons Ann. Civ. St. Art. 5765.

It appears from the foregoing that for nearly a century and a half Congress has provided for the arming of the enrolled, organized militia, the arms being similar to or identical with those provided to the defense forces, and that for at least the past half century no member of the organized militia has been required or permitted to supply his own arms.[15] Moreover, during almost all of the twentieth century the only organized militia has been the National Guard, and since 1914 the Naval Militia. These may consequently be described as the "well regulated militia" of the present day.

Since the "well regulated militia" referred to in the Second Amendment is the subject of a compatible network of special federal and state laws and since the proposed amendments to the Federal Firearms Act exempt from their application activities by federal and state authorities, it is evident that the Second Amendment is no obstacle to the passage of the amendments. However, because the Second Amendment refers to "the right of the people to keep and bear arms" it is sometimes argued that this concept impedes federal legislation even if it be conceded that the Second Amendment relates only to the organized militia. For this reason this memorandum provides an analysis of this concept.

(D) THE CONCEPT OF THE RIGHT OF THE PEOPLE TO BEAR ARMS

While the Constitution cannot be said to be the source of a right to keep and bear arms, its wording indicates that a pre-existing right was recognized. A majority of court decisions, both state and federal, as-

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[5] Act of May 2, 1792, c. 28, 1 Stat. 264.

[6] Act of May 8, 1792, c. 33, 1 Stat. 271.

[7] Act of April 23, 1808, c. 55, 2 Stat. 490; see the pertinent part of the debates in Congress on this act in 18 Annals of Congress 2176, 2181–2185, 2195–2197 (April 1808).

[8] Act of February 12, 1887, c. 129, 24 Stat. 401; see S. Rept. 41 and H. Rept. 1267, 49th Cong.

[9] Act of February 24, 1897, c. 310, 29 Stat. 592.

[10] *Ibid.*

[11] 28 Cong. Rec. 2933.

[12] See acts in this century so providing: Act of January 21, 1903, c. 196, § 13, 32 Stat. 775, 777; Act of May 27, 1908, c. 204, § 8, 35 Stat. 399, 401–402; Act of June 3, 1916, c. 134, §§ 67, 83–87, 39 Stat. 166, 199–200, 203–205; Act of Aug. 10, 1956, c. 1041, 70A Stat. 615 (32 U.S.C. 710(a)).

[13] Act of Jan. 21, 1903, c. 196, § 1, 32 Stat. 775.

[14] The organized Naval Militia was created in 1914; see Act of Feb. 16, 1914, c. 21, 38 Stat. 283; it was to be composed of state Naval Militia which had been established in some of the states approximately beginning in 1880 and thereafter; see H. Rept. 94 and S. Rept. 167, 63d Cong. and 10 U.S.C. 7851.

[15] As early as December 1807, Congress recognized that the requirement that militiamen provide their own weapons (see footnote 2) had not been adhered to in many parts of the United States (17 Annals of Congress 1040–1041). In 1903 this 1792 requirement that each enrolled militiaman provide his own "musket or firelock" was finally repealed (Act of Jan. 21, 1903, c. 196, § 25, 32 Stat. 775, 780). It was then recognized that even the requirement of enrollment had been obsolete for over one hundred years (H. Rept. 1094, 57th Cong., 11).

sume without discussion or determination of the issue that the right to bear arms exists in the people as individuals either because it is deemed to be a natural right or because conferred by state constitutions.

However, it is well settled, that there is nothing inherent in the right making it absolute. Inasmuch as "arms" is traditionally a military term and the statement of the right in the federal and several state constitutions is connected with the necessity for a well regulated militia, it has been concluded that, if such a right is personal in nature, it is at least restricted to members of a well regulated or, synonymously, organized state militia. "The word 'arms' in the connection we find it in the Constitution of the United States, refers to the arms of a militiaman or soldier, and the word is used in its military sense." *English* v. *The State,* 35 Texas 473, 477 (1872). "[T]he provision in question [the counterpart to the Second Amendment in the Bill of Rights of Kansas] applies only to the right to bear arms as a member of the state militia, or some other military organization provided for by law." *City of Salina* v. *Blaksley,* 72 Kan. 230, 83 Pac. 619, 620 (1905). (Brackets supplied.)

While a few older state cases went so far as to hold that all citizens had the unabridgable right to bear arms for self-protection as well as for militia purposes and that a statute prohibiting the carrying of concealed weapons was violative of the Second Amendment (see *Bliss* v. *Commonwealth,* 2 Litt. (Ky.) 90, 13 Am. Dec. 251 (1822)), that point of view is virtually extinct. The Supreme Court stated as an axiom in 1897 that the Second Amendment "is not infringed by laws prohibiting the carrying of concealed weapons," *Robertson* v. *Baldwin,* 165 U.S. 275, 282. The overwhelming majority of state cases follow the doctrine expressed in *Commonwealth* v. *Murphy,* 44 N.E. 138 (Mass. 1896), that "it has been almost universally held that the legislature may regulate and limit the mode of carrying arms." Therefore, a state statute regulating, and in certain instances prohibiting, the carrying of enumerated deadly weapons is not repugnant to the Second Amendment or its counterpart in the state's constitution. *English* v. *State,* 35 Texas 473 (1872). Likewise, an act prohibiting the carrying of revolvers without a license does not violate either the federal or state constitution; neither does a state law forbidding possession of concealed weapons. *Strickland* v. *State,* 72 S.E. 260 (Ga. 1911); *Haile* v. *State,* 38 Ark. 564 (1882).

Moreover, no body of citizens other than the organized state militia, or other military organization provided for by law, may be said to have a constitutional right to bear arms. *City of Salina* v. *Blaksley,* 72 Kan. 230, 83 Pac. 619 (1905); *Presser* v. *Illinois,* 116 U.S. 252 (1886).

The modern tendency among judges and legal scholars is to regard the right to bear arms as existing in narrowly limited circumstances. The present state of the law concedes *at the most* that "the Second Amendment only forbids Congress so to disarm citizens as to prevent them from functioning as state militiamen." [16] If this statement accurately reflects the prevailing trend of the law, it follows that any act of Congress which does not in fact prevent an eligible citizen from functioning as a state militiaman is not proscribed by the Second Amendment.

The preceding discussion and conclusion are based on what many courts assume to be true, that the right to bear arms as referred to in the Constitution is personal in nature. However, respectable authority supports the view that the Second Amendment merely affirms the right of the states to organize and maintain militia. That is, it applies to "the people" as the body politic of each state.[17] Support for this is found in English history.[18]

Several early cases suggested that the right to bear arms "is one of those rights reserved to the States." [19] In *Aymette* v. *State,* 21 Tenn. 154, 158 (1840), the court declared, "The single individual . . . is not spoken of or thought of as 'bearing arms'." *People ex rel. Leo* v. *Hill,* 126 N.Y. 497, 27 N.E. 789, 790 (1891), contains language of similar import: "The power to control and organize the militia resided in the several states at the time of the adoption of the Constitution of the United States and was not taken away by that instrument."

The leading case of *City of Salina* v. *Blaksley,* 72 Kan. 230, 83 Pac. 619 (1905), has been interpreted as going so far as "expressly to decide that the word 'people' means only the collective body and that individual rights are not protected by the constitutional clause." McKenna, "The Right to Keep and Bear Arms," 12 Marq. L. Rev. 138, 145 (1928). Mr. McKenna proceeded to suggest that future courts might say "that the states may have their well-regulated militia even though individuals possess no weapons of their own, provided the states supply the necessary armament upon mobilization" (at 149). This they do, under federal and state provisions, as described above.

The foregoing analysis reveals that there is nothing in the meaning, scope or application of the Second Amendment to impede passage of federal legislation limiting interstate traffic in firearms to licensed or excepted persons and prohibiting sales by licensees to juveniles and convicted felons.

Mr. KENNEDY of Massachusetts. Mr. President, I referred in my earlier comments to some private industries that are recognizing their responsibility in this area. A number of them have been responsible. A number of them have recognized their responsibility. A number of them have adopted procedures which are far more extensive and which might even be considered far more harsh than the rather basic minimal requirements which have been suggested in title IV and in the amendment which I offer this afternoon.

Two of the great merchants in our country, Montgomery Ward and Sears, Roebuck, have announced, effective immediately, that they will no longer sell guns or ammunition to persons under 21 years of age, or accept mail or telephone orders for this merchandise. This policy will apply to rifles, shotguns, air rifles, pellet guns, and all ammunition.

Furthermore, this policy will affect more than 4,300 Sears and Wards retail catalog and agency stores located in all 50 States. More than one-third of these outlets are located west of the Mississippi. In requiring firearms orders to be filled on a person-to-person basis, instead of by mail or express shipments, the companies felt their new policy would help enforce the registration and delivery provisions of new and changing State and local ordinances without interferring with the sale of guns and ammunition to ranchers, farmers, hunters, and other legitimate customers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional 10 minutes.

Mr. KENNEDY of Massachusetts. Mr. President, this decision reflects a commendable dedication by Sears and Wards to share the social responsibility for dispersing lethal weapons. No doubt this decsion may have some immediate effect on sales—but given the enactment of the administration's gun bill—no long-range hardship should be experienced. It is my sincere hope that the great number of American people desiring gun legislation, both gun owners and not, will express their appreciation to these companies for their display of civic responsibility. It should be noted, however, that several large department stores have followed Sears and Wards lead by imposing more stringent regulations on their sale of guns.

It is a welcome relief to know that in these weeks when lobbying organizations are willing to spend several million dollars to defeat even a nominally restrictive gun bill, that major business companies as Wards and Sears, have infused a certain needed rationality and responsibility to the debates.

In this case we have private industry and private enterprise in the various States assuming this responsibility. Evidently, if there is to be some kind of financial loss, they are prepared to assume it because of their interest in and recognition of the problem.

Time and again the statement has been made on the floor of the Senate that such legislation will inconvenience and harass the public.

Montgomery Ward and Sears, Roebuck and other distributors are not concerned with this argument. We actually see that this is not the case.

Sears' and Ward's decision to stop mail-order sales of guns has reinforced further what many of us have maintained—that the minor inconvenience imposed on the legitimate and honest sportsmen, hunter or hobbyists, is a small price to pay for the disgraceful and unnecessary bloodshed experienced presently throughout our land at the expense of unregulated guns.

Mr. President, I believe that many of the comments that have been made on the floor of the Senate today will help to establish a solid case for the adoption of the amendment which I have suggested, together with earlier comments made by the Senator from Connecticut, the Senator from Maryland, and a number of other Senators, including the distinguished Senator from New York [Mr. JAVITS] and other Senators on the other side of the aisle, who, over a period of years, have put into the RECORD extremely comprehensive commentaries, statements, and indications of their own experience and their own reasons for the support of such proposed legislation.

I believe it is appropriate at this time, on the eve of our voting on a long gun

[16] McKenna, "The Right to Keep and Bear Arms," 12 Marq. L. Rev. 138, 143 (1928).

[17] See attached Appendix entitled, "The Origin of the Second Amendment."

[18] Haight, "The Right to Keep and Bear Arms," 2 Bill of Rights Review 31–33 (1941). Mr. Haight was Chairman of the Bill of Rights Committee of the American Bar Association when the article was published. See also Emery, "The Constitutional Right to Keep and Bear Arms," 28 Harv. L. Rev. 473 (1915).

[19] *Ibid.*

amendment, to take cognizance of some statistics in connection with this subject.

The statistics are revealing and extremely discouraging and heart rending, but nonetheless stare us all in the face, when we realize the death and destruction that have been brought about because of the failure of effective legislation. I should like at this time to review some of the statistics with respect to long guns, because the case is sometimes made that if we have effective handgun legislation this will solve the immediate problem. When one has an opportunity to review these statistics, he will realize that this is not so.

Nearly 30 percent of the firearms murders are committed with rifle or shotgun, and the report of misuse of rifles and shotguns comes from local authority.

Two thousand persons a year—it amounts to some five persons a day—are murdered with a rifle or a shotgun.

More than 70 police officers were slain in the line of duty by rifles. One-quarter of the law enforcement officers killed in 1966 were killed by long guns.

In major riots and civil disturbances, nine policemen and 75 civilians were killed, many victims of snipers. The use of rifles by snipers elevates the level of violence.

Experience at the local level indicates that where handguns are regulated but not long guns, the use of long guns in crime has increased. This has occurred, for example, in New York City and Philadelphia.

Even if title IV is enacted, we can expect a corresponding increase in the crimes of violence involving long guns; and if we are really going to come to grips with this problem, it is incumbent upon us to act in the long-gun field as well.

Mr. President, I believe that we delude the American people when we pass just any kind of gun legislation. Unless we are going to pass effective gun measures, the American people will be given a false sense of security. Certainly, title IV, plus the amendment we have suggested today, supported by a number of Members of the Senate, will provide the type of security which I believe the American people deserve.

Mr. President, I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming [Mr. HANSEN].

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. I believe that, under the unanimous-consent agreement, I am supposed to control the time on our position; but I have advised the Senator from Nebraska that if I am not present, he may yield such time as he wishes in opposition.

The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from Nebraska yields 5 minutes to the Senator from Wyoming.

STATEMENT IN SUPPORT OF AMENDMENT 708 TO TITLE IV, S. 917

Mr. HANSEN. Mr. President, today the Senate will resolve—for all time, it is my earnest hope—an issue that has been a matter of considerable concern to this Congress and to Congresses before us.

Mr. President, the question before this Congress at this time is simple and clear—it is to what extent should guns be controlled by the Federal Government? It is not, as has been intimated, the question of whether guns should be regulated—we all agree that there should be some sort of control over the procedures for the sale of firearms.

The question, I repeat, is to what extent.

My distinguished colleague the senior Senator from Connecticut has proposed legislation that would prohibit almost completely any interstate commerce in firearms. It has been argued that guns cause crime, and therefore guns should be made hard to get. If you follow this line of reasoning, you will argue that the fewer guns there are, the fewer crimes there will be.

Mr. President, I submit that such is not the case. I submit that depriving the general public of firearms will make little, if any, contribution to the solution of the crime problem in this or any other country. For every case in which it can be demonstrated that strict gun laws reduce crime, there is an equally demonstrable statistic that will show that strict gun laws have no effect on the crime rate, or even that, despite strict gun laws, the crime rate continues to rise.

Mr. President, today we have up for consideration several different approaches to gun control.

I want to make it clear that I am in favor of tightening up regulations on the availability of handguns, primarily so that they can be kept out of the hands of criminals, of juveniles not old enough to be entrusted with them, of drug addicts, of habitual drunkards, and of other undesirables who represent a danger to society, or to themselves. The sponsors of title IV say that this is also their aim. But in order to accomplish it, they would remove practically all handguns from the American scene. They would, in effect, deprive all American citizens of their right to purchase handguns, in order to keep them out of the hands of an extremely small segment of American society who misuse guns.

I submit that this approach is prohibitive, that it is too drastic. I believe that the cure involved in this approach is more serious than the illness.

I also believe that it would not work. I have no confidence in the contention that such action would reduce crime. It certainly would curtail outdoor recreation on the part of the legitimate sportsmen in this country, for they would wish to adhere to the letter of the law, and they would be greatly discouraged by the time-consuming redtape involved in obtaining handguns if title IV were to be enacted.

But the criminals—those at whom this legislation is purportedly aimed—would not. They would simply not bother to go through the legal processes of obtaining handguns. They do not do it today, and they would not under this proposal. What reason is there to believe that a man intent on using a gun in the pursuit of crime, is going to go through the process required under title IV?

There is, however, a way in which to control the availability of handguns to those who should not have them, and this approach is embodied in amendment No. 708, by Senator HRUSKA of Nebraska. Under this amendment, which I support as a substitute for title IV as now written, anyone wishing to purchase a handgun in interstate commerce would be required to submit a sworn affidavit to the seller attesting to his age and other eligibility factors. This affidavit would contain the name and address of his chief local law enforcement officer. The seller would re required to send a copy of the affidavit to that local law enforcement officer, who would then have up to 7 days to check out the eligibility and the qualifications of the applicant.

Mr. President, the prime way to control crime in this country is to empower local police with the authority—and the information—they need to prevent crime. Laws are enforceable only when the police can act to implement them. A law that would give the police the kind of information that would be obtained under the handgun affidavit procedure I have outlined, would arm the police with the tools they need to prevent sales of handguns to criminals and others who should not have them. To simply dry up the legal supply of guns would make little, if any, contribution to solving the problem. But to inform the police of impending gun sales would be to give them what they need to control such sales.

In addition to providing a workable solution, aimed directly at the core of the problem, amendment No. 708 would serve to protect the interests of legitimate citizens who should not be denied the right to own firearms. It would set forth, clearly and succinctly, the criteria for eligibility for ownership of handguns. If it is found by investigation that a prospective buyer is ineligible under one or more of those criteria, the sale could be halted easily before it could be completed. But if the buyer is not found to be ineligible under those clearly defined criteria, the police would not be permitted to block the sale.

We must not lose sight of this valuable American right. We must protect all the rights of all our citizens, and not trample them in our haste to correct our social ills. We must continue to guarantee the exercise of the rights laid down in the Constitution.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. Does the Senator request additional time?

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. HANSEN. Mr. President, every year in the United States approximately 20 million Americans purchase hunting licenses. In almost every case, a rifle or shotgun is used for hunting.

Every year, somewhere in the neighborhood of 3 million major crimes are committed in the United States. In perhaps 110,000 of these, a gun is involved.

In perhaps 17,000 of these, a rifle or shotgun is involved.

Because of 17,000 misuses of rifles or shotguns, are we to deny an age-old right to millions of American citizens.

These figures do not even take into account the many millions of Americans who own or use rifles and shotguns but do not regularly purchase hunting licenses. No one knows for sure how many such rifle or shotgun owners there are, but for every one who owns a rifle or shotgun, and uses it wrongly, there are literally hundreds of thousands who own them and use them legitimately.

I submit that they should not be denied their rights in a blind move to control criminal misuse of firearms. I submit that we should be highly discriminate in our approach to firearms legislation in order that it imposes restrictions only where needed, and not indiscriminately on the population as a whole.

We are faced today with a decision as to how far to go in controlling guns. The lines are clearly set forth; and the Senate, I am sure, is well informed on the various approaches to the problem.

I urge the adoption of amendment No. 708.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, I yield 8 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BREWSTER. Mr. President, I strongly support amendment No. 786 to title IV of S. 917, an amendment which has been offered by my colleague Senator TYDINGS. This amendment would add two additional sections to the State firearms control assistance title so as to impose some restrictions on the traffic in all firearms, including rifles and shotguns. Essentially, these two provisions would do the following: First, a federally licensed dealer could not ship a rifle or shotgun to an individual unless that individual had appeared in person on the premises of the dealer; and second, a federally licensed dealer could not sell a long gun to a person under 18 years of age.

There has been considerable confusion on the subject of the control of long guns. Although the amendment is short and clear, many interested persons continue to assume that it would seriously interfere with the legitimate use of firearms. This is not true.

The only way I know to approach this problem effectively is to ask four questions: What is the problem? What is the proposed solution? What problems will be created for law-abiding citizens if we implement that solution? On balance, is the proposal a good one?

In my judgment, these two very modest provisions, when contrasted to the severity of the problem and the compelling need, produce a minimum of inconvenience to lawful users of firearms for a very significant gain in control. Stated simply, for a small price in inconvenience to a few, we will achieve a significant gain in security for many.

Let me address myself first to the need.

First, the whole objective of title IV is to establish Federal control of the distribution of firearms in such a way that State and local law-enforcement authorities can effectively enforce State and local laws concerning the ownership, use, and possession of firearms. Many States have laws on the ownership or possession of rifles and shotguns. But we will not have done our work, we will not have established a Federal structure within which these State laws can be effective, if we omit one of the most frequent methods of obtaining firearms contrary to State law—mail-order shipment.

Second, there can be no argument that long guns are used exclusively by hunters, and not by criminals and mentally disordered persons. Nearly 30 percent of the 6,500 firearm murders in the United States during 1966 were accomplished with rifles or shotguns. Fifty-seven law enforcement officers were murdered in that year, 55 of them by firearms—and one out of every four of these by a rifle or shotgun. In the outbreaks of civil disorder of the last few years the weapon of the sniper has been the rifle. And it would be a strange law that was passed in part because of recent notorious sniping incidents but failed to cover the sniper's main weapon—rifle. The assassination of our President, the wholesale slaughter at the University of Texas, and the tragic death of Martin Luther King, Jr.—all these were the work of a sniper's rifle bullet. Yet it is proposed to pass a law that would be irrelevant to these events.

What are the arguments against amendment 786? They are essentially two: First, that the provisions would so inconvenience legitimate hunters and sportsmen that these citizens would be precluded from their lawful pursuits—and this in turn would be a loss to many States of substantial license revenues; and second, that to include this amendment would equate concealable weapons with rifles and shotguns—even though the vast majority of firearms abuse involves concealable weapons and handguns.

I will acknowledge that under the amendment it might be slightly more difficult for some persons to obtain rifles and shotguns than under present law—or the present absence of law. I make no apology for this admission, for that is obviously the whole point of the amendment. But just who would be inconvenienced, and to what degree, is a question that has been answered too often in exaggerated generalities.

I have many friends who are hunters, and I myself like to hunt. Let me just talk about a number of examples of typical hunting excursions and see exactly where this great inconvenience is:

Many hunters already own their own rifles or shotguns. Is there anything in this bill that would preclude such a person from taking his rifle or shotgun anywhere in the country, using it for lawful hunting purposes, and bringing it back home? No.

Many hunters and sportsmen who do not already own their rifle or shotgun, like to purchase these weapons out of State, perhaps where they have gone hunting. Is there anything in this bill which would preclude them from buying over the counter a rifle or shotgun anywhere in the country? No.

Many hunters like to buy their ammunition over the counter out of State, or in-State, or even have it shipped to them from out of State. Is there anything in this bill which would in any way interfere with their access to ammunition for their rifles or shotguns? No.

Many hunters like to buy from or sell guns to their hunting friends, or perhaps trade firearms. Is there anything in this bill which would preclude such a person from trading his shotgun for another man's rifle, even if the other man is from out of State. No.

Many hunters and sportsmen like to have access to all types of firearms, including those of foreign manufacture. Is there anything in this bill that would prohibit an individual from importing a foreign manufactured rifle or shotgun for sporting purposes? No.

Many hunters and sportsmen like to be able to order from a catalog their rifles and shotguns so that they will be sure to obtain as large a variety of weapons as possible. Is there anything in this bill which would preclude a hunter or sportsman from ordering through a catalog a rifle or shotgun? No—so long as the rifle or shotgun was delivered through a local licensed dealer.

The case that is frequently cited as being most inconvenienced by this amendment is that of a person who lives in a place so remote that he cannot appear at a dealer's place of business to pick up his rifle or shotgun. Such a person would have to live so far away from everybody else that I cannot believe there are very many of them. Except for Hawaii, no State in the Union has less than 500 licensed dealers now, and sparsely populated States, which tend to be States with a high rate of firearms use, tend to have a much higher per capita incidence of dealers. These dealers need not be exclusively in the firearms business. The local hardware store, or feedstore, or general store would likely be a firearms dealer as well.

Certainly amendment 786 does not equate long guns with concealable weapons. There is a very legitimate reason for distinguishing between the treatment of long guns and the treatment of handguns—and that is that it is very difficult to be inconspicuous in carrying a long gun, so that it is not as frequently used in the commission of crime. So it is perfectly appropriate for title IV, as amended by amendment No. 786, to distinguish between these two classes of firearms. And that is exactly what the title thus amended would do: the title would prohibit purchase of handguns out of the State of one's residence—but there would be no such prohibition on the purchase of long guns out of the State of one's residence; the title would prohibit interstate shipments of handguns to unlicensed nonresidents—amendment 786 would permit such shipment of long guns so long as the recipient had appeared at the dealer's premises; the title would prohibit transporting into one's State of residence a handgun pur-

chased or otherwise acquired outside of that State—but no such prohibition would apply to rifles or shotguns.

Finally, let me make a few comments about the second provision in amendment 786, which would prohibit sales of rifles and shotguns to persons under 18 years of age. This is a very sensible provision, to which I think there can be very little objection. First, it does not prohibit the use or possession of rifles or shotguns by children under 18—it only prohibits a federally licensed dealer from selling these weapons to children under 18. Thus, if a father had worked with his son to teach him how to properly handle a rifle or shotgun, it would be perfectly permissible under Federal law for the father to give his son such a weapon. But the Federal Government has a responsibility to control the unlimited access to these weapons by juveniles, so that parents and guardians and other interested persons will be able to protect or control the juveniles.

I might mention that the substitute amendment offered by Senator HRUSKA also includes a provision restricting access to rifles and shotguns by children under 18. That provision precludes a common or contract carrier from delivering a rifle or shotgun to a child under 18. Amendment 786 goes to the heart of the matter, and prohibits a federally licensed dealer from selling such weapons to juveniles. But there should be little controversy over the fact that there is Federal responsibility and a Federal interest in restricting access to firearms by juveniles.

I can only conclude, Mr. President, that the good that would derive from passage of this amendment is so much greater than any possible inconvenience to any legitimate user of rifles or shotguns that there is no reason at all why this amendment should not be adopted. In many respects I would like to see it go further. But at the very least we should take this amendment with its very reasonable and sensible controls over the presently almost unrestricted traffic in rifles and shotguns.

Mr. President, we need not look far to see the need for strong gun control legislation. Just yesterday in this city, a merchant was shot to death in his store. He was the fourth merchant slain in the past 15 days.

The members of the business community of this city, of every city—indeed, citizens everywhere—are tired of the lawlessness on the streets. They rightly demand action to curb crime. They demand better police protection. They demand gun controls. These controls must be all-encompassing, to include rifles and shotguns as well as the hand weapons.

Mr. SMATHERS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Florida such time as he may need.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, the Omnibus Crime Control and Safe Streets Act of 1968 contains four substantive titles. Title I is the administration's Safe Streets and Crime Control Act, originally introduced by Senator MCCLELLAN more than a year ago on behalf of President Johnson. Title II contains a series of provisions seeking to overrule certain recent decisions of the Supreme Court and to limit the appellate and habeas corpus jurisdiction of the Supreme Court and lower Federal courts. Title III establishes a system of electronic surveillance by Federal and State law-enforcement officers acting under court order. Title IV contains a series of provisions regulating the sale of handguns in interstate commerce and through the mails. Title V of the bill consists of a technical provision—a general severability clause, applicable in the event one or another provision of the bill is held unconstitutional.

I wish to speak at length at this time of title I of S. 917, and also to discuss briefly title IV of the bill.

I wholeheartedly endorse title I. Its provisions offers a major program of urgently needed Federal financial assistance to State and local governments to improve and strengthen all aspects of their systems of law enforcement and criminal justice. Title I will become the heart of our national strategy against crime in the United States. Under it, the Federal Government can seek to create and guide the allocation of new resources to law enforcement, consistent with our historical conviction that law enforcement in our Nation must continue to be primarily a State and local responsibility. Crime is essentially a State and local problem that must be dealt with by State and local governments.

At the same time however, lawlessness in the United States is a national phenomenon that reaches into every section of the country. The Crime Commission found that there are many problems in the war against crime that State and local governments cannot solve on their own. Therefore, a major program of Federal financial assistance is both necessary and appropriate to support and encourage greater efforts by State and local governments to find new answers to the problem of crime.

We are all well aware of the serious problem that crime presents to our society. Since 1940 the crime rate in the Nation has doubled. It has increased five times as fast as our population since 1958. In dollars, the cost of crime runs to tens of billions annually. The human costs are simply not measurable.

We must identify and eliminate the causes of criminal activity wherever they lie, whether deep in the environment around us or in the nature of individual men. The administration is presently doing a great deal to combat poverty and improve education, health, welfare, housing, and recreation. These measures are vital, but crime will not wait while we pull it up by the roots. The active war against crime calls for vast improvements in our system of law enforcement. We must give new priority to improving our police, courts, and corrections.

In July 1965, President Johnson appointed the National Commission on Law Enforcement and Administration of Justice. At the conclusion of its study in February 1967, the Commission published a thorough report—"The Challenge of Crime in a Free Society"—summarizing its research in detail. Subsequently, the Commission issued nine task force volumes analyzing specific problems in law enforcement, and five additional research studies. The studies of the Crime Commission are a landmark in crime research. They represent the most comprehensive analysis of the problem of crime in the history of our country. They precisely document the immense need for reform in all aspects of our law enforcement system.

The Commission found that criminal behavior permeates every segment of American society. The Commission reported that in the United States today, one boy in six is referred to a juvenile court. In 1965, more than 2 million Americans were received in prisons or juvenile training schools, or placed on probation. The Commission estimated that about 40 percent of all male children now living in the United States will be arrested for a nontraffic offense at some time during their lives. In a sample of 1,700 persons, 91 percent admitted they had committed acts for which they might have received jail or prison sentences.

We are all familiar with some of the most dramatic findings of the Crime Commission, especially those as to the widespread fear of crime among our citizens: 43 percent of the population of high crime areas in two large cities said they stay off the streets at night because of their fear of crime; 35 percent said they do not speak to strangers any more because of their fear of crime; 21 percent said they use cars and cabs at night because of their fear of crime; 20 percent said they would like to move to another neighborhood because of their fear of crime.

The Commission's report emphasized the urgent need for the Federal Government to embark immediately on a program of financial and technological assistance to State and local governments to combat the rising incidence of crime. The Commission clearly recognized that day-to-day law enforcement is primarily a State and local responsibility, but it insisted that the Federal Government's contribution to any national effort against crime would be crucial. President Johnson acted immediately on the recommendations of the Crime Commission. In February 1967, he submitted to Congress the Safe Streets and Crime Control Act of 1967.

That bill, the essential features of which are incorporated in title I of S. 917, is designed to implement the eight major needs documented by the Crime Commission:

First. State and local planning in law enforcement.

Second. Education and training of law enforcement personnel.

Third. Surveys and advisory services to improve the organization and operation of law-enforcement agencies.

Fourth. Development of coordinated national crime information systems.

Fifth. Development of demonstration programs in law-enforcement agencies.

Sixth. A program of scientific and technological research and development in all areas related to law enforcement.

Seventh. The establishment of institutes for research and for the training of personnel.

Eighth. Grants-in-aid for operational innovations and action programs in law enforcement.

Title I is divided into five principal parts:

Part A provides for the administration of the program by a bipartisan, three-member entity to be called the Law Enforcement Assistance Administration.

Part B provides grants to States and local governments to prepare and develop comprehensive law enforcement plans.

Part C provides grants to States and local governments for action programs to implement their law enforcement plans and to improve and strengthen all aspects of law enforcement.

Part D provides grants to public agencies, institutions of higher education, and private organizations for training, education, research and development in all areas related to law enforcement.

Part E contains general requirements and administrative provisions applicable to the overall grant program. It authorizes the appropriation of $100,111,000 for the first year of operation of the program, and $300,000,000 for the second year. Eventually, the Federal Government's contribution to law enforcement may well reach the level of $1 billion per year.

I believe that the major provisions of title I will repay the careful attention of Members of the Senate.

Part A provides that the Law Enforcement Assistance Administration will be located within the Department of Justice, under the general authority of the Attorney General. Under title I, the Attorney General will not have the power to approve or disapprove particular grant applications, but, rather, his authority will be limited to overall policy guidance of the long-range affairs of the Administration. The head of the Administration will be the Administrator of Law Enforcement Assistance, who will have a rank equivalent to that of an Assistant Attorney General in the Department. The Administrator will be assisted by two Associate Administrators of Law Enforcement Assistance.

Under part B of title I, Federal grants of up to 80 percent will be available to help State and local governments prepare, develop, or revise comprehensive law enforcment plans. In accordance with the recommendations of the National Crime Commission, title I is grounded squarely in the premise that planning must be a prerequisite for Federal assistance to State and local action programs to improve law enforcement. Adequate planning will insure that new expenditures are properly allocated and that appropriate priorities are established. In addition, planning will encourage cooperation and joint efforts by contiguous or overlapping jurisdictions, and will help to coordinate the three principal types of agencies in our over-all system of law enforcement and criminal justice—the police, courts, and corrections.

Part C of title I offers Federal grants of up to 60 percent to State and local governments for action programs to implement their law enforcement plans and improve all aspects of their law enforcement systems. As the new statutory program matures, the major share of Federal financial assistance to State and local governments will inevitably take place through the action grants under part C.

Grants under part C are intended to cover the entire spectrum of law enforcement and criminal justice. They will emphasize such priority areas as first, specialized training, education and recruitment programs, including intense training in such critical areas as organized crime, riot control, police-community relations, and the development of police tactical squads; second, modernization of equipment, including portable two-way radios for patrol cars, new alarm systems, and improved laboratory instrumentation for applying advanced techniques in identification; third, broad programs for the reorganization of personnel structures and the coordination and consolidation of overlapping law enforcement and criminal justice agencies; fourth, advanced techniques for rehabilitating offenders, including the establishment of vocational prerelease guidance in jails, work-release programs and community-based corrections facilities; fifth, high-speed systems for collecting and transmitting information to police, prosecutors, courts, and corrections agencies; and, sixth, crime prevention programs in schools, colleges, welfare agencies, and other institutions.

Part D of title I will promote new programs of training, education, research, and development in all areas related to law enforcement. One of the most disturbing disclosures of the Crime Commission is that the modern scientific and technological revolution that has so radically changed so much of American life has had remarkably little impact on our system of law enforcement. Industry, medicine, and the military and other agencies of government draw heavily on branches of science and technology, but our police, courts, and corrections persist in treating today's problems with yesterday's techniques. Part D of title I is intended to remedy this serious deficiency by establishing a major law enforcement research institute within the Federal Government—a National Institute of Law Enforcement and Criminal Justice. Consistent with the basic importance attached to training and research in law enforcement, the Institute is authorized to make Federal grants of up to 100 percent to public agencies and private organizations for research activities.

ORGANIZED CRIME

No program to improve and strengthen law enforcement in the United States can succeed unless it comes to grips with a problem of immense magnitude in our society—the problem of organized crime. We have always had organized crime and corruption. But organized crime today transcends the crime known to us in the past. Our present criminal laws and procedures are inadequate to cope with it. These hard-core groups have become more than just loose associations of criminals. As the Crime Commission found, they have developed into huge corporations of corruption. They are involved in the importation, distribution and sale of narcotics, in loan sharking, in labor racketeering, in gambling, and in a wide variety of other offenses. They have also penetrated many legitimate businesses and unions. In some cities, they dominate juke box and vending machine distribution, laundry services, liquor and beer distribution, night clubs, food wholesaling, record manufacturing, the garment industry, garbage collection, and a host of other lines.

The Crime Commission found that organized crime flourishes best only in a climate of political and official corruption. Today's corruption is less visible, more subtle, and, therefore, more difficult to detect and assess than the corruption of earlier eras. With the expansion of governmental regulation of private and business activity, the power to corrupt has given organized crime immense control over matters affecting our everyday lives. At various times in the past, organized crime was a dominant political force in such metropolitan centers as New York, Chicago, New Orleans, and even Miami. Political leaders, legislators, police officers, prosecutors and judges have been tainted and corrupted by organized crime. The public is the victim, because there can be no true liberty or justice under a corrupt government.

To combat organized crime, the Crime Commission made several specific recommendations:

First. Each attorney general in a State where organized crime exists should form a unit of attorneys and investigators to gather information and assist in prosecutions for such criminal activity.

Second. Police departments in all major cities should have a special intelligence unit devoted solely to ferreting out organized criminal activity and to collecting information regarding the possible entry of organized crime into the illegal local operations or into legitimate businesses in the area.

Third. The prosecutor's office in every major city should have sufficient manpower assigned fulltime to organized crime cases.

Fourth. The Department of Justice should provide financial assistance to encourage the development of efficient systems for regional intelligence gathering, collection and dissemination. Through financial assistance and provisions of security clearance, the Department should also sponsor and encourage research by the many relevant disciplines, regarding the nature, development, activities, and organization of these special criminal groups.

Title I offers major Federal support to implement these recommendations in practice. Part C specifically requires the Attorney General to give special emphasis to action grants for programs to control organized crime, and provides that Federal grants may be used to pay up to 75 percent of the cost of such programs.

GRANTS TO STATES AND LOCAL GOVERNMENTS

I wish especially to emphasize the provisions of Title I that make grants available not only to State governments, but to local governments as well.

The primary goal in any Federal grant program such as that offered in Title I is to move the money to the place where it will do the most good, and to do so quickly and efficiently. Title I of S. 917 accomplishes this goal by maintaining the broadest possible flexibility for grants to both States and local governments under the program. Nothing would more seriously impede the development of the new Federal program than the adoption of the controversial bloc grant amendment, which would impose a straitjacket on law enforcement by requiring all grants to local law enforcement to be channeled solely through State governments.

I oppose the bloc grant amendment, because I believe it fails to meet the single most urgent need in our country today in the war against crime—the need for immediate financial assistance to law enforcement in our major metropolitan areas. The proponents of the bloc grant amendment are on unsound ground when they say that it preserves the position of the States in our Federal system of government. On the contrary, this argument ignores the fundamental reality that has become all too obvious in recent weeks—it is in our great urban centers that the most difficult battles in the war against crime are being fought, and where the need for financial assistance to law enforcement and criminal justice is most acute.

We must never forget that law enforcement in the United States is primarily a local responsibility; 90 percent of the 348,000 State and local police officers in the Nation are employed by county and municipal police agencies; 72 percent of the total State and local expenditures for law enforcement are made by local governments. Whatever the role of the States in other areas, such as housing, transportation, education, and the like, State-level involvement in law enforcement has traditionally and properly been extremely limited.

In addition, the bloc grant amendment will sow seeds of frustration and partisan politics in the new Federal program. It will encourage political rivalry between Governors and mayors, and between urban and rural areas. If there is one thing we do not need at the present time, it is to play politics with the war on crime.

Equally serious, the bloc grant amendment would impose unnecessary and disastrous delays on metropolitan areas in their struggle against crime. To be sure, the amendment, as considered by the Judiciary Committee, contains an inflexible requirement that 75 percent of the Federal funds granted to a State must be made available to local governments. But by giving the State governments domination over the utilization of the funds, the States will inevitably tend to overemphasize State level activities in law enforcement, such as courts and corrections, and underemphasize local-level activities such as police.

The true irony of the bloc grant amendment is that its proponents, who urge so vehemently in other respects that its primary emphasis should be on improving the police, are also urging the adoption of the single amendment that is most likely to defeat their goal of aiding the police, since the real danger of the bloc grant amendment is that the States will bypass the cities and counties. And if our cities and counties are bypassed, it is the police who will suffer most, because the police function is so overwhelming the responsibility of the cities and counties of the Nation.

I strongly believe that the financial assistance to be made available under title I must be provided to both State and local governments on the most flexible basis possible, in order to meet the entire range of law-enforcement needs at all levels of government.

In addition, the bloc grant approach will cause severe delays in providing such assistance. As the bloc grant amendment makes clear, a State may take up to 6 months to apply for a planning grant, and another 6 months to apply for action grants to implement the plan. Thus, up to an entire year may be wasted by a State in applying for a planning grant and obtaining action grants, not to mention the additional lengthy delays required to obtain the action funds and put them into operation.

TITLE IV

I wish to speak next of the provisions of title IV of S. 917. The specific language of title IV consists essentially of a series of provisions, long overdue, regulating the sale and distribution of handguns. I am convinced, however, that title IV must not stop with coverage of handguns, but also include adequate provisions to restrict the sale and distribution of rifles and shotguns.

We have talked for a long time about fighting crime in our Nation. Gun control legislation is an opportunity to deprive the criminals in our midst of their principal weapons. We can no longer neglect the tens of thousands of robberies, assaults, and murders committed every year with such weapons. It is disastrous enough that we are plagued with riots in our cities, but it is far worse to have our police and firemen disabled by snipers armed with weapons they should not have.

Crime in the United States is a problem of enormous complexity. I firmly believe that financial assistance programs of the sort provided in title I of S. 917 offer what is by far the best approach to this problem in the long run. I also believe, however, that of all the various types of assistance to law enforcement that Congress has it within its power to provide over the short run, none offers such quick and substantial assistance to public safety as the simple enactment of effective gun control legislation.

We are no longer a frontier society in which a citizen must be armed for protection. We are a highly technical and urbanized Nation. It is a simple fact of life in the 20th century that guns are extensively used to commit crimes. It is, therefore, imperative to control the indiscriminate flow of firearms to those who use them to break the law.

As President Johnson stated in his recent crime message:

> To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of a civilized society.

There is no doubt that existing Federal and local firearms laws cannot do the job. The Federal laws provide little control over mail-order sales. Even the most stringent local laws are all too easily avoided by ordering firearms from another jurisdiction, either through the channels of interstate commerce or through the mails. Title IV is aimed solely at more effective control over interstate and foreign commerce in these deadly weapons. Action is long overdue. Further delay is unconscionable. Title IV gives us the chance to act, and to act now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator yield me some time?

Mr. HRUSKA. Mr. President, I yield 15 minutes on the amendment to the Senator from North Carolina.

Mr. ERVIN. Mr. President, without dispute, the greatest domestic problem now confronting this country is a soaring crime rate. Responsible citizens now recognize that the crime problem has reached such proportions that immediate action is required to control or prevent behavior that threatens the public order and security of this Nation.

Mr. President, consider if you will, that in 1967 there was a forcible rape every 23 minutes, a robbery every 4½ minutes, an assault every 2½ minutes, a car theft every minute, and a burglary every 27 seconds. The resulting monetary loss is authoritatively estimated to be at least $27 billion. Of course, there is no way of adequately measuring the pain, misery, fear, and suffering inflicted upon the innocent victims of crime.

The problem and its complexity in our modern industrial-technological society are obvious. Equally obvious is the necessity for prompt and efficient action now to afford adequate protection for our lives and property. With this in mind, careful consideration is being given by the Congress to several bills now under consideration to accomplish, through legislation, increased Federal assistance in such critical areas as narcotics and drug abuse, police organization, judicial administration, State detention and correctional agencies, organized crime, research in the prevention and control of crime, and firearms control.

It is to this final topic, firearms control, which has generated much debate and emotion, that I direct my remarks.

During recent years, the increasing crime rate, the assassination of a President, and the rioting in our cities have caused the Congress to take another look at the possession and use of firearms to determine if increased regulation would be in the national interest. The legislation which has thus far been proposed has fallen generally into two categories: First, the greatly restrictive type of legislation such as S. 1, amendment No. 90 and title IV of S. 917; and, second, the more moderate bills which have been introduced by several Members of the House of Representatives, and S. 1853 and S. 1854 introduced by Senator HRUSKA. These two bills have been incorporated into the provisions of Amendment No. 708.

S. 1, as amended, and H.R. 5384 provide

express restrictions on the shipment of any firearms, including shotguns and rifles, in interstate commerce. They prohibit the interstate mail-order sale, except between federally licensed dealers, of all firearms including handguns, shotguns, and rifles, and military surplus weapons. They prohibit the over-the-counter sale of handguns to nonresidents. Also, the bills contain elaborate licensing procedures and increased fees for firearms dealers, manufacturers, and importers.

Senator HRUSKA'S amendment provides for an affidavit procedure for mail-order and nonresident over-the-counter sales of handguns, because it is felt that handguns are the principal tools of criminals. Included in the bill is a ban on the mail-order delivery of such guns to those under 21 years.

After careful consideration of the various bills and of available crime statistics, and after weighing the utility of the proposed controls against the threatened infringement upon individual and constitutional rights, the conclusion is inescapable that comprehensive Federal controls on the availability of all firearms is unwarranted and unnecessary. I, therefore, support the less restrictive but effective provisions.

As I see it, apart from the constitutional question, there are two policy considerations which must be balanced in the study of any firearms legislation, and they are: First, the problem of increasing crime in our country, and how it will be affected by legislation restricting the purchase of firearms; and second, the lawful use and enjoyment of firearms by the 40 million citizens who own them, and the effect such legislation would have on such lawful use of firearms as recreational shooting, including hunting, and personal protection.

I strongly believe that firearms should be kept from those who would misuse them; however, we have a recent example of how difficult it is to keep weapons from the hands of those who would break the law. A substantial number of guns that were used during the riots which have swept our large cities were stolen, not purchased, from local sporting goods stores and pawnshops.

If I felt that extreme legislation such as title IV would prevent the commission of serious crimes, I would have to support it; but commonsense tells us that a criminal who sets out to commit a serious assault will not be deterred by a law which says he cannot have a gun in his possession. The fact is that guns are used in only a small percentage of serious crimes. A Federal Bureau of Investigation survey shows that in 1966 only 3.4 percent of the 3,243,000 serious crimes committed in the United States were committed with firearms. These FBI figures show that guns of all types were used in only 19 percent of aggravated assaults, while knives and razors were used in approximately 34 percent of the total, blunt instruments accounted for 22 percent, and miscellaneous and personal weapons completed the total. Also, a report by a Wisconsin State agency indicates that the murder rate in those States that regulate firearms is no lower than the rate in those States that have no such regulation. And so it seems that the regulation of firearms could solve only a small part of the crime problem.

I must concede, however, that even though guns are used in a small percentage of serious crimes, the argument for gun legislation would be meritorious if gun legislation would, in fact, keep guns from criminals and save lives. While I feel that hardened criminals and potential criminals with no records would still be able to obtain a large percentage of their firearms needs no matter how stringent our legislation might be, I have decided that the benefits to be derived from legislation designed to restrict the sale of handguns are significant enough to warrant the expense, the restriction, and the interference which would be imposed by such legislation upon the lawful users of these firearms. There is little doubt that handguns are the principal tools of criminals. For example, during 1966, 60 percent of the willful killings in the United States were committed with firearms and 70 percent of these gun murders resulted from handguns. Of the 19 percent of aggravated assaults referred to in the previous paragraph which were committed with firearms, it has been estimated by the FBI that at least two-thirds of these were committed with handguns. Additionally, by far the largest percentage of armed robberies are committed with handguns. And so it appears to me that the firearms problem is primarily reduced to one of adequately controlling the misuse of handguns.

It also appears quite logical to me that rifles and shotguns belong in a separate category, exempt from the controls placed on handguns. The handgun, because of its physical characteristics, its easy concealability, is the weapon most often utilized by the criminal element. On the other hand, rifles and shotguns, both by custom and heritage, are the firearms of the sportsman. Subjecting both categories of firearms to the same requirement seems no more logical to me than placing identical controls on ships and automobiles.

For this reason, and with the firm resolve that the substantial segment of our society that lives in rural and semirural areas should not be denied the opportunity to purchase firearms for recreational use or personal protection, or be subjected to exorbitant taxes and extra costs connected with such purchases, I favor amendment No. 708 which exempts rifles and shotguns from the affidavit and notification requirement which it imposes upon the mail order and nonresident over-the-counter sales of handguns.

Mr. President, I should like to emphasize that the forward-looking, positive program embodied in amendment No. 708, specifically would include the following features:

First. It would require that no manufacturer or dealer may ship any firearm in interstate commerce to any person in violation of State or appropriate local law.

Second. It would provide that no person may transport or receive in his place of residence a firearm acquired by him outside the State if such acquisition or possession is unlawful in the place of his residence.

Third. It would require that no carrier may deliver any handgun to a person under 21 years of age or longgun to persons under 18.

Fourth. It would require that the purchaser of a handgun in interstate commerce make an affidavit of eligibility which is filed with the purchaser's local law-enforcement agency, and that the seller wait at least 1 week before shipping the handgun to the purchaser.

Amendment No. 708 has received the full support of not only hunters and sportsmen but also a substantial part of the American public, including the approval of all of the major gun and wildlife organizations, such as the National Rifle Association, the National Shooting Sports Foundation, the Sporting Arms Manufacturing Institute, the National Wildlife Federation, and the Wildlife Management Institute, and others.

Mr. President, at this time, I would like to express my strong support for part B of amendment No. 708 to amend the National Firearms Act to strictly regulate the making or transfer of so-called destructive devices such as bazookas, mortars, bombs, grenades, rockets, and field ordnance. The bill would place these devices under the same restrictions and requirements that apply to machineguns, sawed-off shotguns and sawed-off rifles under the National Firearms Act—often known as the Machinegun Act. It is generally conceded that destructive devices have no legitimate sporting purpose and ought to be strictly regulated. Because of the effectiveness of the National Firearms Act in strictly controlling machineguns and sawed-off rifles and shotguns since 1934, the placing of destructive devices under the controls of this law would appear to be sound and appropriate.

In reaching my conclusions on this important matter, I have given a great deal of consideration to the question of the degree of control that should be exerted by the Federal Government to help control misuse of firearms. I fully recognize that the Federal Government is empowered to exercise its control over interstate commerce. I do not question this authority. However, bills such as S. 1, as amended, and title IV, would prohibit all mail-order sales of all firearms except sales between federally licensed dealers. I feel this extreme approach is unsatisfactory because it detracts from the traditional police powers of the States in this area.

I contend that the most just and reasonable approach to the question is for the Federal Government to exercise its control over interstate commerce by requiring first, a sworn statement that the applicant is not prohibited by State laws from purchasing a firearm; and, second, notification of local police, prior to the interstate or mail-order purchase of a pistol or revolver. In this manner, a control, with responsibility for enforcement shared by the Federal and State and local authorities, would be placed upon the purchase of those firearms being misused most frequently, while permit-

ting the purchase of rifles and shotguns, weapons obviously most used and enjoyed by the sportsman, free of prior Federal restraint but still subject to whatever requirements for possession, transportation or use the State and local governments think necessary.

In conclusion, it is my hope that the Senate will adopt amendment No. 708 as part of our total legislative involvement in the war on crime.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 8 minutes.

Mr. President, I ask unanimous consent that these remarks be included at the end of my first opening presentation on the description of my amendment No. 786.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I shall describe rather briefly, but in a way which I think will give the Members of this body a view of its exact scope and purposes, what my amendment would do and what it would not do; and I shall try to do that within the time which I have allotted myself.

Essentially, the amendment which I have proposed does only two things: First, it says that a man cannot buy a long gun without appearing in person at a dealer's premises at least once, either to pick up the weapon, or to order it and have it shipped to him; and, second, it states that a federally licensed dealer cannot sell a longgun to a child under 18 years of age.

Now, that is all this amendment does. There is nothing in this amendment that says every person who owns or purchases a rifle or shotgun must register that weapon. There is nothing in this amendment that says that persons may not own a shotgun or rifle. Indeed persons under 18 years can own a shotgun or rifle so long as they do not purchase it from a federally licensed dealer.

In fact, the argument that this amendment would "inconvenience" a large segment of the population is so obviously contrived that I think it is worth noting all of the things that this amendment does not do:

It does not prohibit anyone from owning a rifle or shortgun.

It does not prohibit anyone from using a rifle or shortgun.

It does not prohibit a person from taking his longgun from his State and carrying it with him to another State.

It does not prohibit a person living in one State from traveling to another State and buying a rifle or shotgun over the counter in that other State. Moreover, he can put the gun in his car and take it back home with him when he is through. And if you do not want to bring the weapon home yourself you can have it shipped to you, so long as you appeared in person at the time of the purchase.

This amendment does not require any person to register a weapon he now owns, or which he may purchase in the future.

Even if a person is not a federally licensed dealer he can sell a rifle or shotgun to a nonresident friend, or trade it or give it away so long as the friend would be permitted to receive it under the law of his residence.

Under this amendment a person can even give a rifle or shotgun to his child if he thinks that wise, whether or not the child is 18 years old.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MURPHY. Many of the people in my State, and many in all the Western States, are afraid such a provision would work a hardship on them.

Mr. KENNEDY of Massachusetts. Can the Senator, perhaps, ask his question on the Senator from Nebraska's time?

Mr. MURPHY. Mr. President, may I have time? I will borrow 3 minutes; the question will take me less than that. I will take 2 minutes of the time on this side.

I merely wanted to make the point that the adoption of the Senator's amendment might work a hardship on many of the people in the Western States, who do not go into the city often, or do not operate as we do in New York or Boston or Beverly Hills, and they do a great deal of mail-order buying. It would be difficult for them, or impossible in many cases, to go in to the dealer and be recognized and identified. I am sure the Senator has no intention of impeding anybody in that manner. Will the Senator tell me how his amendment would affect such persons?

Mr. KENNEDY of Massachusetts. As I have suggested, this provision would not really in any way interfere with intrastate sales, because the applicant could write to the dealer and receive his weapon within the State. That right would certainly be recognized. I do not see how my amendment would cause any real inconvenience, if any at all.

Mr. MURPHY. I am not talking about the intrastate situation. What about interstate? Suppose that in Oregon, where our friend has his ranch, a hunter wishes to buy a shotgun that is manufactured in Massachusetts or up in New Haven, Conn. Can he order that shotgun by filling out an order blank, or how is such an order handled?

Mr. KENNEDY of Massachusetts. By a very simple procedure. He just orders it through his local hardware store, his local distributor.

Mr. MURPHY. Has the Senator been in eastern Oregon lately?

Mr. KENNEDY of Massachusetts. As a matter of fact, I have.

Mr. MURPHY. I think the Senator should know that to find a local distributor in some areas up there is not an easy thing. You sometimes need a couple of days and have to drive 400 or 500 miles to get to one.

Mr. KENNEDY of Massachusetts. I think the point has been made that this amendment really does not establish a restriction or hardship, that the residents of a given State can go through their licensed hardware stores or distributors, order these weapons, and have them shipped. I think it is appropriate, in this connection, to consider the number of Federal licensees in the various States.

Mr. MURPHY. Mr. President, if the Senator will yield further, I am sure that the number of licensees per State is great enough to constitute a most effective argument, and would give the impression that anyone could find a licensee without difficulty; but I assure the Senator that not only in eastern Oregon, but also in California, which State I expect my distinguished colleague will be visiting soon, there are areas where it would work a hardship, and I do not think the matter can be brushed over simply by saying they can do it. In many cases it is not that simple; I think it would work a hardship.

Mr. KENNEDY of Massachusetts. I appreciate the expression of concern by the Senator from California, and I know the concern that he feels, as he has stated on other occasions, about those who live in remote areas.

I think, as was brought out in the course of the hearings, the number of licensees in the various States is significant. In Oregon, for example, the State that the Senator mentioned, there are some 1,709 licensed dealers. In Montana, there are some 1,417. I think what we are really attempting to balance off here is what inconvenience there is to those who live in the more remote parts of our country against what has been suggested and testified to time and time again by the principal law-enforcement officers of this country—that one of the most effective ways of meeting the problems of crime and violence that exist in this Nation today is by passing a strong firearms bill. That case has been made repeatedly, it has been substantiated, and it is, I think, irrefutable. In any case, I believe it is a judgment that will have to be made by the Members of this body.

The only things prohibited under this amendment are these: First, a person cannot mail order a rifle or shotgun without appearing at the business premises of a dealer either at the time the order is placed, or at the time the weapon is received; second, a child under 18 cannot buy a rifle or shotgun from a dealer. He can get it from a friend, or a parent, or someone else. But federally licensed dealers will not participate in gun traffic with children.

Now the principal argument against this amendment is that the requirement that a man appear in person at some point in the course of purchasing a rifle or shotgun would "inconvenience" him. But let us look at what this means. First of all, a person will still be able to get the same variety of weapons that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the weapon through a dealer—it does not even have to be a local dealer, but only a dealer at whose place of business he will appear at some point before receiving the weapon.

He can have the catalogs at home, or go look at those down at the dealer's shop. Whichever way, he will have the same variety of choice that has been the case up until now.

Balanced against this alleged "inconvenience," let us take a look at why it is important to require a person to buy rifles and shotguns through a dealer. Primarily, this requirement is important because it is the best way to make the firearms industry self-policing. A licensed dealer who can see the purchaser in the flesh is the person best situated to be sure a purchaser is not a felon, is not under indictment for felony, is not a fugitive from justice, and that the purchase would not be in violation of State or local law.

And mark this: If we do not take this essential action with respect to long arms, we cannot say to ourselves or to citizens of this country that we have meaningful and effective gun control legislation. Even though rifles and shotguns are more the weapon of the sportsmen than are handguns, they are too often the weapon also of the murderer, sniper, and criminal. We cannot ignore recent events, recent tragedies, and a growing volume of alarming statistics testifying to the misuse of these weapons.

We cannot forget the terrible tragedy in Austin, Tex., when Charles Whitman stood in the clock tower at the University of Texas and fired rifles and shotguns at the innocent people below, killing 16 of them and critically injuring 31.

We cannot forget that within the last month another great American, a symbol and advocate of nonviolence, was brutally murdered by means of a rifle apparently purchased by a man whose criminal record would have prohibited him from purchasing that weapon if this bill were law.

We cannot forget that in the Detroit riot last summer, and in some of the recent civil disorders, the weapon of the sniper is the rifle.

We cannot forget that nearly 30 percent of the 6,500 firearm murders in the United States during 1966 were accomplished by rifles or shotguns. Fifty-seven law-enforcement officers were murdered in 1966, 55 of them by firearms—and one out of every four of these were by rifles or shotguns.

Continued failure to regulate in some manner the mail-order traffic in rifles and shotguns makes State and local law impotent, and State and local enforcement officials virtually helpless. For example, Klines Sporting Goods Co. of Chicago, Ill., which is a leading and reputable firm, has disclosed that its files show that mail-order rifles and shotguns have been sent to persons with criminal arrest records in Chicago, Ill.; in Dallas, Tex.; in Philadelphia, Pa.; in Los Angeles, Calif.; in the State of New Jersey; and in the State of New York. The criminal records of the persons who received these weapons include offenses of assault, assault and battery, assault with a deadly weapon, assault and battery on a police officer, sex offenses, and narcotics and dangerous drug offenses.

Can we, in the light of these facts, honestly say that the small amount of supposed "inconvenience" to a few is not overwhelmingly justified by the threat to all of us inherent in a system which permits dangerous persons to receive lethal weapons simply by ordering them through the mail, in a system in which State and local efforts to regulate possession and use of firearms are rendered meaningless by the failure of the Federal Government to channel interstate traffic to sources which State and local authorities can control?

This is a modest amendment. I would rather see us go much further. The President's Crime Commission would rather see us go further. The President's Commission on Civil Disorders would rather see us go further. But we must at least take this action now.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used his 8 minutes. He has 24 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. TYDINGS. Mr. President, the vote tomorrow on the amendment offered by the Senator from Massachusetts, myself, and others will mark hopefully the coming of age of the responsibility of the Congress of the United States to give the law-enforcement officers of our Nation the assistance they need in controlling the unrestricted traffic in firearms into the hands of convicted felons, hoodlums, junkies, narcotic addicts, and other persons who should not possess them.

It is impossible, unfortunately, as the law exists today, for a State such as Michigan, Massachusetts, Maryland, or some other State, even though its own legislature has enacted legislation restricting weapons from being sold to convicts, hoodlums, and other undesirable elements, to prevent the sale of weapons through the mail to such persons.

It is also impossible to prevent the sale of weapons by stores in other jurisdictions to these undesirable persons.

Wayne County, Mich., experienced a very frightful disorder last summer. An analysis of the records of those persons arrested with firearms indicated that over 70 percent of those who had weapons could not have bought those weapons in the State of Michigan because it is illegal in the State of Michigan to sell a pistol or, indeed, a long gun to a convicted felon or person with a criminal record.

What these individuals did, when they could not buy a weapon in Michigan, was to slip down the expressway over the county and State lines into Toledo, Ohio, and they bought all the guns they wanted in that strip down there in Ohio without regard to the fact that they were convicted felons.

The police chief of Atlanta, Ga., who testified before the Senate Subcommittee on Juvenile Delinquency of the Committee on the Judiciary a few years ago, told us that over 50 percent of the weapons of arrestees in the Atlanta area were weapons which had been bought from mail order sources and which could not have been bought in the city of Atlanta by these individuals because of their conviction records.

All that the amendment offered by the Senator from Massachusetts and myself and others would do basically would be to try to plug the loopholes which permits any convicted felon, juvenile, or narcotic to circumvent the law of his own community, which prohibits him from acquiring a weapon in that community, by ordering it through the mail, as has been done time and time again and as was done in the case of the murder weapon that assassinated the late President of the United States.

It is my understanding that the first vote tomorrow will be on the so-called long-gun amendment of the Senator from Massachusetts and myself.

I hope that the Senate of the United States will not be persuaded by the arguments of the National Rifle Association and others that this legislation is aimed at the sportsman, the hunter, or the legitimate outdoor sportsman who is seeking recreation with his family or friends.

I have argued the point many times. This legislation, if enacted, would not in any way hinder the legitimate sportsman. It would require him at the very most, if the long gun he wishes is not readily obtainable from his local gun dealer, to have that local gun dealer order it through the mail rather than doing it himself.

That is a small price to pay in return for the assistance which has been sought almost without exception by every police officer who testified before our subcommittee for the past 3 or 4 years.

Mr. President, how long are the people of America going to have to put up with the unrestricted sale of surplus military weapons in the United States to enrich the pockets of a few gun importers? How much longer are we going to have to put up with the lobbying efforts of the NRA which are not benefiting the sportsmen of America, but which are benefiting the lobbyists whom they keep on their payrolls to come down day after day and send letter after letter to our constituents in an effort to force us to change our position?

I think that the average American citizen is entitled to have a little help extended to local law enforcement officials. The first amendment we will vote on tomorrow, the long-gun amendment, is little enough help in that direction.

As we know, we were unable to attach this amendment to the bill in the Judiciary Committee. Title IV as reported from the Judiciary Committee is restricted primarily to pistols and handguns. If we can adopt the amendment offered by the Senator from Massachusetts, myself, and others, we will have made a tremendous step forward in assisting local law enforcement officials across the United States.

Mr. President, the record of the United States vis-a-vis sane gun legislation is not a happy one compared with that of other civilized nations of the Western World. When we compare the number of gun deaths and murders in the United States in each of the last 10 or 20 years with the number in Great Britain, France, or any of the other Western European countries which have sane gun legislation, it does not paint a very pretty picture.

We no longer live in the type of frontier society in which we lived when our Nation was built. It is no longer necessary—if, indeed, it ever was—to have everybody, regardless of his criminal record, regardless of his personal habits, carry a gun.

Does the present occupant of the Chair realize that since 1900 there have been 750,000 gun deaths in the United States from the misuse of firearms? That is more than all of the men killed in all of the wars in the history of this country—just since the turn of the century.

I hope, Mr. President, that Senators tomorrow will realize that all that the proponents of the Kennedy amendment seek is a little assistance for law enforcement officers—the local and State law enforcement officers of the United States.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator wish to grant himself additional time?

Mr. TYDINGS. I do not, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may put in a brief quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield myself 15 minutes out of the time that will be allotted to me when I call up amendment No. 739.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the situation which faces the Senate is as follows:

The entire gun bill, so-called, which is contained in the committee's proposal, and which is before the Senate, is essentially a bobtailing of the original Dodd provision—that is, the provision developed by Senator DODD—which put a ban on the interstate shipment of all guns, handguns as well as shotguns and rifles, and made other provisions with regard to imports and other restrictions, including the fact that they could not be bought except in the home State of the individual purchaser, and so forth.

The bobtailing which occurred in the committee is that the scheme of regulation which has been described here many times was confined to handguns and sawed-off shotguns but was not extended to rifles and long guns, so-called, used for sporting purposes.

We are well aware of the tremendous debate on this matter and of the activities of the National Rifle Association and its various affiliated organizations and individuals, which have reached us all, in terms of tons of mail and very strong effort.

The amendment proposed by Senator HRUSKA would substitute for the provisions in the bill an affidavit procedure which would essentially put no basic restriction, such as is contained in the bill, upon the interstate shipment of handguns, their purchase outside the State, and so forth, but would place certain provisions for notice upon such transactions, including the main provision—it has certain prohibitions about the age limit of those who can buy, and so forth—but its main provision is an affidavit procedure, within the State where the person making the purchase lives, by which the local enforcement official charged with administration will know that this particular handgun is going to this particular person.

The Kennedy amendment, which has been debated on the floor of the Senate, would propose to extend the Dodd type of regulation—to wit, the prohibition against interstate shipment, the prohibition against purchase outside the State, and so forth—to all forms of guns—that is, to the handgun as well as to the rifle and the shotgun.

That is the issue, Mr. President, and that was the issue before the Committee on the Judiciary when I was a member of that committee, which was prior to January 1, 1967. I participated at that time in the discussions—and in the Subcommittee on Juvenile Delinquency—which had to do with gun control legislation. At that time I came up with a compromise proposal, and that compromise is contained in my amendment No. 739, which I am now discussing. That compromise, in effect, would regulate rifles and long guns by applying to them the affidavit procedure which Senator HRUSKA was applying only to handguns. So that it was a middle position between that of Senators DODD and KENNEDY and that of Senator HRUSKA. Senator HRUSKA omitted the long gun entirely.

They included it in full control and regulation, as in the case of the handgun.

I took the Hruska plan for the long gun and retained the Dodd plan, which is, therefore, not a part of my amendment because it is already in the bill before the handgun.

Our present situation is such, according to the way the matter has developed parliamentarywise, that the first question which probably will be voted on will be the Kennedy amendment. That measure takes the whole form of the regulation identified with the names of Senator DODD and Senator KENNEDY, and endeavors to make it law. I have supported that approach before and I shall support it again. I did so in committee and I shall support it again. However, to me this does not seem to discharge my full obligation because I feel if that measure fails then the Senate should have the opportunity to vote on some kind of compromise before we assume that the Senate does not intend to legislate on long guns and rifles at all.

According to the parliamentary situation, therefore, if the Kennedy amendment succeeds that will be the end of the matter, at least as far as I am concerned. If the Kennedy amendment fails I expect to propose amendment No. 739, the same compromise I offered in committee, which had the support of eight members of the Committee on the Judiciary at the time I was there. It had considerable support as a solution to this entire problem. That is the factual situation which faces us.

Mr. President, I now wish to address myself to another matter. It is obvious if we are not going to crack down on the easy availability of guns we are not going to end murders and we are not going to end crime. We know that.

However, Mr. President, we are trying to come abreast of a burgeoning situation which amounts to a grave national emergency. Therefore, we must undertake practical forms of regulation which will give us some opportunity to effect some measure of control to the extent it is humanly possible to devise over these weapons.

I am fully cognizant of the pride and dignity traditionally associated in our land with the right to own a weapon. Indeed, this was contemplated in the Constitution itself. But as with so many of the rights, privileges, and enjoyments of living in our country, many times they must yield to even greater necessities, desirabilities, and enjoyments. One of the conditions is that we shall live in tranquillity free from crime, which all charts and figures show to be increasing.

This matter represents such a sensation that some persons think they can win a presidential campaign on the strength of it. We should have enough wit in Congress to do what needs to be done so that the situation would not be controlled through those who desire to be the President of the United States. We should be good enough police chiefs to take care of the crime situation. That is why we have to yield to the need for gun legislation.

Mr. President, I wish to call the attention of the Senate to the fact that the 1966 bill was reported by the Subcommittee on Juvenile Delinquency. It had favorably reported this compromise which is the subject of the amendment that I shall propose to the Senate, assuming that the parliamentary situation requires it. The whole committee did not go along with that proposal as a compromise, but the subcommittee reported it in that way.

Mr. President, I wish to describe the compromise. Under the compromise handguns were excluded from interstate mail-order sale, where shotguns and rifles, as I said before, are now excluded from the bill entirely.

Under my amendment shotguns and rifles would be included in the bill under an affidavit procedure whereby the prospective buyer submitted to the seller a sworn statement that, first, he is 18 years of age or more; second, that he is not a person prohibited by Federal law from receiving a shotgun or rifle in interstate or foreign commerce; and third, no local laws would be violated by his receipt of a gun.

The affidavit would also contain the name, address, and title of the principal local law enforcement officer in the buyer's area, and the seller would then be obliged to submit a copy of his statement together with a description of the gun to said law enforcement officer.

Seven days after receiving return re-

ceipt of the letter, the seller could ship the gun. Notification to local law enforcement officers could be suspended upon the request of the Governor of a State. This is essentially the regulatory provision the Hruska amendment provides for with respect to handguns.

While some Members might feel reluctant to vote for a complete prohibition on mail-order sale of guns used primarily for hunting purposes, this proposal should be an acceptable solution.

Surely, legitimate hunters cannot object to submitting information on their age or the legality of their owning firearms. Similarly, I fail to understand why they would object to notifying local law enforcement officers of their mail-order purchases of such guns.

It seems to me to be completely doctrinaire for law-abiding men and women with families to refuse such a reasonable regulation essential to cope with the burgeoning crime rates, with respect to the use of firearms.

Law enforcement officials have testified at length on the need for firearms regulation, including some control over rifles and shotguns. While it is agreed that the more serious use of firearms occurs with pistols and revolvers, we must not overlook the fact that about 30 percent of all firearms murders are committed with rifles and shotguns, as in the case of major bank robberies. Further, while the use of rifles and shotguns is less widespread in urban areas, these figures jump when one considers only rural areas.

FBI statistics show, for example, that 52.8 percent of rural gun murders are by rifle and shotgun.

And records of reputable mail order houses subpenaed by the Juvenile Delinquency Subcommittee in 1966 indicate that between 10 percent and 15 percent of mail-order sales of sporting guns were made to persons with criminal records Should not local police at least be notified of such sales—even if Congress refuses to prohibit the sale entirely? Indeed, some control over rifles and shotguns seems only prudent if we are to regulate strictly the mail-order sale of handguns. At the 1966 hearings, Howard R. Leary, now police commissioner of New York City—and at that time commissioner in Philadelphia—testified as follows:

> We have noticed a greater tendency, as police pressure on methods of securing of handguns is stepped up, for felons to use shotguns and rifles to hold up and threaten the public.

If we cannot deal with concealable weapons and long guns with the same regulation—to wit, that proposed by the Senator from Connecticut [Mr. DODD]—let us at least not ignore half the problem. My proposal is a reasonable one—which has been supported in the past by eight members of the Judiciary Committee.

I deeply feel that it should be approved, if the strict level of regulations on which it will be founded should fail.

Mr. President, I reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I might suggest a brief quorum call without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Iowa on the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HICKENLOOPER. Mr. President, the differences between the administration approach to firearms controls, as manifested in title IV of S. 917 and the Hruska approach as set forth in amendment No. 708 are differences not only of degree but also of substance. The philosophy and orientation of the administration bill is one of restriction and prohibition of the law-abiding citizen to acquire, possess, and use firearms for legitimate purposes. Proposed controls of title IV are both direct and indirect and reflect an approach alien to the American tradition.

Veritable mountains of testimony have been presented both for and against the administration proposal to regulate firearms in commerce. But, Mr. President, I have seen nothing in all the oral and written presentations to justify a policy of prohibition—the kind of policy exemplified clearly and directly in title IV.

We are constantly being told by the proponents of the administration measure that the American public wants this kind of bill; that not only public officials of various kinds but also private citizens throughout the United States have raised their voices loudly and unmistakably for highly restrictive controls. If this be true, then I am unaware of this clamor. I say this both as a Member of this body of lawmakers and as a private citizen. In fact, everything that I have seen, heard, and experienced has convinced me that, rather than urging the passage of the administration gun bill, a highly significant portion of the electorate has opposed the enactment of such a restrictive measure. The reason is that title IV is highly restrictive and susceptible to arbitrary action.

There is a proposal, Mr. President, which fulfills the requirements for proper Federal control, on the one hand, and for noninfringement of the regulatory rights of the States on the other. This measure would not only maintain in proper perspective and balance the Federal-State fields of operation but would also by implication recognize the basic right of the individual to acquire, possess and use firearms for legitimate purposes, free from unnecessary and undesirable bureaucratic interference. Amendment No. 708 by the Senator from Nebraska [Mr. HRUSKA], is this proposal; and I commend it to you for your consideration and approval.

Amendment No. 708 would apply only to handguns—the firearm used in over 70 percent of armed crime—and would provide a certified statement system for the shipment or receipt by a private person of a handgun in interstate commerce. This bill regulates; it does not prohibit. It controls with temperance, soundness and reasonableness an area which is recognized by all in need of additional regulation.

Mr. President, I should like to state and make clear that the forward-looking, positive program embodied in amendment 708 specifically would include the following features by amendment of the Federal Firearms Act of 1938:

First. No manufacturer or dealer may ship any handgun in interstate or foreign commerce to any person, except a licensed manufacturer or dealer, unless that person submits to the shipper a sworn statement that the prospective recipient first, is at least 21 years of age; second, is not prohibited by Federal, State, or local published law from receiving the handgun; third, discloses the title, name, and address of the principal law-enforcement officer of the locality to which the handgun will be shipped. Prior to shipment, the manufacturer or dealer must forward the sworn statement by registered or certified mail—return receipt requested—to the local law-enforcement officer named in the statement, containing a full description—excluding serial number—of the firearm to be shipped, and must receive a return receipt evidencing delivery of the registered or certified letter, or evidence, in accordance with Post Office regulations that such letter has been returned because of the refusal of the local law-enforcement officer to accept the letter. Further, the shipper must delay delivery to the purchaser for 7 days after he has received the return receipt or notice of refusal.

The sworn statement contains a blank space for the attachment of a copy of any permit required by State or local law for the receipt of a handgun.

Second. No person may transport or receive in the State where he resides a firearm purchased or otherwise obtained by him outside that State if it would be unlawful for him to purchase or possess such firearm in the State—or political subdivision therof—of residence.

Third. No common or contract carrier may knowingly deliver any handgun to any person under 21 years of age.

Fourth. No manufacturer or dealer may deliver any package containing a handgun to any carrier for transportation or shipment without prior written notice to the carrier.

Fifth. No manufacturer or dealer may ship any firearm to any person in any State in violation of the laws of that State.

Sixth. A person must be at least 21 years of age to obtain a Federal firearms manufacturer's or dealer's license.

Seventh. The fee for a manufacturer's

or pawnbroker's license is $50 a year; for a dealer's license, $25 for the first year, and $10 for each renewal year.

The distinguished Senator from Nebraska is not content to regulate mail-order sales only. His amendment 708 would also amend the National Firearms Act of 1934 to impose a heavy tax and registration upon the making or transfer of so-called destructive devices—for example, bombs, grenades, rockets, bazookas, and other field ordnance. These devices would come under the same restrictions and requirements which now apply to machineguns, sawed-off rifles and sawed-off shotguns under the National Firearms Act—often known as the Machinegun Act.

There is universal agreement that destructive devices have no legitimate sporting purpose and ought to be strictly regulated. Because of the effectiveness of the National Firearms Act in strictly controlling fully automatic weapons and sawed-off rifles and shotguns since the inception of the act in 1934, the placing of destructive devices under the controls of this law appear to be sound and appropriate.

The major provisions of part B of amendment No. 708 with respect to "destructive devices" are as follows:

First. Destructive devices are included in the National Firearms Act.

Second. Destructive devices are defined to include explosives, bombs, grenades, rockets, missiles, mines, and any weapons having a bore diameter of 0.78 inch, or larger.

Exempted from the definition are rifles and shotguns, line-throwing devices, firearms using black powder, devices not designed or used as weapons, and devices to be used by the U.S. Government.

Third. Weapons presently covered by the national act—machineguns, sawed-off rifles, and shotguns—are redefined to include the frame or receiver of these weapons and any such weapon which can be readily restored to firing condition.

Fourth. A copy of the order form for the transfer tax and the declaration form for manufacturing of national act weapons must be submitted to the purchaser's or maker's local police chief.

Fifth. No person may possess a national act weapon in the State where he resides which he obtained outside his State if it is unlawful for him to purchase or possess the weapon in his own State or locality.

Sixth. No person under 21 may possess national act weapons.

Seventh. The maximum penalties are increased from $5,000 to $10,000 and from 2 to 10 years' imprisonment. Sentenced offenders are made eligible for parole in the discretion of the U.S. Board of Parole.

With the comprehensive, yet balanced, controls offered by amendment No. 708, Mr. President, I strongly feel that this body can regard Senator HRUSKA's proposal as a sound, reasonable, and effective answer to the questions of what kind of firearms regulation and how much.

Mr. DODD. Mr. President, I have cleared with the Senator from Massachusetts [Mr. KENNEDY] that he will yield to me 5 minutes from his time on the pending amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, in the debate on the need for firearms laws, my colleagues should keep in mind the principal issue under consideration, and that is the reduction of crime and violence in our time.

I would like to quote on that subject a recent comment of a young author, Evan Hunter, who has devoted much of his time in writing to the crime and violence of our young people. He said:

> The climate in the country today says something like this to our youth: "If you can shoot a President, and murder his assassin two days later on TV anything goes." In such an atmosphere of violence, the line between reality and nightmare gets thinner and thinner, with the result that people—maybe young people in particular—tend to solve problems in a barbaric rather than a civilized way.

If that description of the present situation is not dead center, then it is not very far off. And others agree. I have spread hundreds of their opinions on the record within the last week or 10 days.

Mr. President, I ask unanimous consent to include in the RECORD at this point an editorial view of this problem published just today. The Washington Daily News entitled its view, "Strengthen the Gun Bill." It is a plea for crime control over "inconvenience" to sportsmen.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STRENGTHEN THE GUN BILL

It approaches the incredible that the United States Senate has before it a so-called "gun-control" bill that does nothing to control the indiscriminate sale of rifles and shotguns.

It was a mail-order rifle that killed President Kennedy. It was a high-powered rifle that killed Dr. Martin Luther King, Jr. On Aug. 2, 1966 a deranged student armed with rifles and shotguns killed 13 and wounded 32 persons on the University of Texas campus. Rifle fire has pinned down police trying to quell urban riots.

Yet Senate Republicans want to weaken—not strengthen—the inadequate bill the Senate Judiciary Committee has produced!

That bill quite properly would ban mail-order sale of handguns (pistols and revolvers) and prohibit over-the-counter sale of such weapons to non-residents of a state and to minors. A toothless counter-proposal by Sen. Roman Hruska (R., Neb.) would permit mail-order sale of handguns upon the filing of an affidavit by the prospective buyer that he was at least 21 years old and not prohibited by law from owning a gun.

What is needed is not weakening of the handgun provision, but its extension to include rifles and shotguns. Sen. Thomas Dodd (D., Conn.) has said he'll propose such an amendment on the floor. In the name of simple common sense it should be adopted.

Whatever minor inconvenience this might be to legitimate sportsmen—who still could get guns of all sorts at their local sporting-goods stores—would be more than outweighed by the national interest in crime control.

Mr. DODD. Mr. President, the gun lobby, in making a plea for its special interest, has never been at a loss for ideas to influence legislators.

It drums up hundreds of thousands of letters from sportsmen by merely sending out a legislative bulletin or press release distorting whatever legislative issue is at hand. Thus misinformed, the "sportsmen" echo the misinformation in letters and telegrams to their Congressmen.

These groups and associations principally claim to represent sportsmen, the sporting fraternity, the conservation people, and all that is good and wholesome in the great outdoors. Most of all, they want no interference with the hunter or trap and skeet shooter's right to have a gun for sporting purposes.

The National Rifle Association, as the admitted spiritual leader of these lobbies, in particular has peddled this line of propaganda.

But I doubt their sincerity. I doubt that "sport" is all they have in mind.

First of all, they have been too unsportsmanlike in their constant misrepresentation of the legislation before the Congress. I have said it time and time again, and no one has ever challenged it, because the falsehoods are on the record; they are not sportsmen at all; they would tell the truth if they were.

The NRA has so obviously overstepped the bounds of decency and taste in that respect that they are the subject of criticism by newspapers, magazines, and legislators across the land.

Their posture as speaking for the sportsman alone, and not as also speaking on behalf of the gunrunners, is a charade.

In fact, it has been a divisive force in the matter of disarming the criminal and the demented at a time when its good offices should have been used in the interest of all the public.

The NRA has exploited fear.

The NRA has suggested to the public that law and order might break down, and if it does, the best friend of the householder is a gun.

I could go on. There is some of it in each edition of their monthly publication, the American Rifleman.

There is no better example of this split personality of the leaders of the National Rifle Association than an article which appeared on page 21 of the March issue of that magazine.

The article is entitled "Why Antigun Laws 'Hit Hardest at the Negro'."

Nowhere does the article mention anything about sporting, hunting, trapshooting, plinking, and the great American outdoors. It does not emphasize any of that.

It does emphasize riots and sniping, self-protection and home protection.

It suggests that a strong firearms law would disenfranchise the Negro. It says there are enough misfits still in police departments for Negroes to mistrust the police.

The article flatly states that the recommendations of the President's Crime Commission "can be used against the right to bear arms and discriminate against the Negro."

The NRA, of course, would like to point out that those are the "individual" views of the author, who happens to be a major in the U.S. Air Reserve.

However, the NRA thought it was one

of the top articles in that issue of its magazine. It sent out an advance bulletin on the story to editors around the country, calling their attention to it at this time of civil unrest.

What better, I say, to reveal the real purpose of the NRA. I say it shows they will go, and have gone, to all lengths to exploit the civil unrest, fear, and the harried police departments of this country to gain their ends.

And their efforts worked well. The story of a gun law that would disarm Negroes was picked up by newspapers around the country, virtually word for word out of the NRA news release.

I have here three stories which are word for word almost identical from such far apart places as the Oakland, Calif., Voice; the San Antonio, Tex., Register, and the Atlanta, Ga., World, And the headlines all emphasize "gun laws disarm Negroes."

Mr. President, these "news" stories contain distorted interpretations of what we are trying to do in Congress.

I ask unanimous consent to have printed in the RECORD the article to which I have referred, entitled "Why Antigun Laws 'Hit Hardest at the Negro,'" written by William J. White, and published in the American Rifleman of March 8, 1968; the three news stories I have mentioned; an article entitled "Gun Permit Laws Disarm Negroes, Says National Magazine's Author," published in the Atlanta, Ga., World of March 8, 1968; an article entitled "Gun Laws Disarm Negroes," published in the San Antonio, Tex., Register of March 8, 1968; and an article entitled "Says Gun Permit Laws Would Disarm Negroes," published in the California Voice, of Oakland, Calif., for March 8, 1968; and two editorials, one entitled "Rifle and Gun for Jolly Fun," published in the Kenosha, Wis., News of December 9, 1967; and the other entitled "The NRA's Distortions," published in the Greensburg, Pa., Tribune-Review of October 31, 1967.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the American Rifleman, Mar. 8, 1968]

WHY ANTIGUN LAWS "HIT HARDEST AT THE NEGRO"

It appears that the distinguished gentlemen pressing for the strongest anti-gun bills either know absolutely nothing about firearms or are using the bills as a cover for some less obvious venture.

Anti-gun measures would have the effect of disarming the American citizen in general and the Negro in particular. That is why I, as an American citizen and as a Negro, oppose them.

If passed and obeyed, such laws will effectively make the law-abiding Negro citizens defenseless and especially vulnerable to crime. This should cause deep concern among all Americans of good will, as a recent U.S. Department of Justice (FBI) Uniform Crime Report states that 54% of U.S. murder victims last year were Negroes and they are much victimized also in other types of crime.

Law-abiding Negroes, nearly all of them extremely scrupulous, are likely to flock to register their firearms rather than risk being in violation of the law. Many know, too, that in certain areas there is a tradition and often a practice of "cracking down" harder on Negroes than on others in any form of law enforcement. While enforcement has made strides toward fairness, there are still enough misfits in police uniforms to reinforce the Negroes' long-standing mistrust of policemen.

If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a non-discriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this.

These proposals are similar in some respects to the old poll tax. Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways.

While the bills now before Congress do not impose a gun permit system, some of their sponsors make no bones about wanting just that and the President's Crime Commission has advocated firearms registration—which means permits—in every state. Any and all such permit systems, I firmly believe, can be used against the right to bear arms and to discriminate against Negroes.

Because I am a Negro, I conceive that I would have little or no chance of obtaining a firearms permit in most of the 50 States. I think this would prove true although I hold a field grade commission in the infantry Reserve, and saw combat service in World War II and Korea.

Two organizations of which I am a member—the Disabled American Veterans and the National Rifle Association—oppose the kind of firearms bills that would lead to registration, taxation and confiscation.

One of the thinnest arguments advanced in support of anti-gun bills is that Negroes used firearms extensively in riot sniping. That simply does not hold true and is like a low blow to all those men who saw military service as snipers. Guns played a very minor role, actually, and those who assert otherwise should know better.

Anti-gun bills could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are un-American. To me as a Negro, they are anti-Negro. I take no pleasure in saying so, but feel it is my duty and right to express my views.—WILLIAM J. WHITE.

(NOTE.—William J. White, of Hempstead, L.I., N.Y., is a Major, USAR, and is with an electronics corporation. He gives here his individual views on an issue of national significance.)

[From the San Antonio (Tex.) Register, Mar. 8, 1968]

GUN LAWS DISARM NEGROES

WASHINGTON.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of The American Rifleman, magazine of the Nation Rifle Association of America.

William J. White, of Hempstead, Long Island, a Negro and a major in the United States Army Reserve, now employed by an electronics corporation, compared firearms registration laws to the poll tax. He said:

"Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways. If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a non-discriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this."

"Anti-gun measures would have the effect of disarming the American citizen in general and the Negro in particular," Major White said.

Several cities and states have gun registration laws that require a permit for a citizen to purchase or possess firearms, and many jurisdictions require permits to carry guns. Almost all require the owner to prove to the satisfaction of the regulatory authority his need to carry a gun before a permit to carry can be obtained.

Permit laws make law-abiding Negro citizens defenseless and especially vulnerable to crime, White said. He pointed out that the FBI Uniform Crime report shows that 54 per cent of United States murder victims last year were Negroes, and that they are also victimized in other crimes. Law-abiding Negroes are likely to flock to register their guns rather than risk being in violation of the law, he said.

White characterized as "one of the thinnest arguments advanced in support of anti-gun bills" the charge that Negroes used firearms extensively in riot sniping. "That simply does not hold true," he said. "Guns played a very minor role, actually, and those who assert otherwise should know better."

The author pointed out that bills now before Congress would not impose a gun permit system. But, he added, "some of their sponsors make no bones about wanting just that and the President's crime commission has advocated registration—which means permits—in every state. "Any and all such permit systems, I firmly believe, can be used against the right to bear arms and to discriminate against Negroes."

White said that, because he is a Negro, he feels he would have "little or no chance" of obtaining a firearms permit in most of the 50 states.

He said:

"Anti-guns could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are anti-American. To me as a Negro, they are anti-Negro."

[From the Oakland (Calif.) California Voice, Mar. 8, 1968]

SAYS GUN PERMIT LAWS WOULD DISARM NEGROES

WASHINGTON, D.C., March 1.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of "The American Rifleman," magazine of the National Rifle Association of America.

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"Although the Negro had the same right to vote as any other American citizen, the power structure knew that few Negroes would pay the poll tax to vote and that those few who tried could be prohibited from actual voting in a number of ways. If there were reason to believe that the issuance of permits to purchase or keep firearms would be on a nondiscriminatory basis, like automobile driving permits, the proposed anti-gun laws could be considered as just another nuisance. But experiences in the American past do not support this."

"Anti-gun measures would have the effect of disarming the American citizens in general and the Negro in particular," Major White said.

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thority his need to carry a gun before a permit to carry can be obtained.

Permit laws make law-abiding Negro citizens defenseless and especially vulnerable to crime, White said. He pointed out that the FBI Uniform Crime Report shows that 54 percent of U.S. murder victims last year were Negroes, and that they are also victimized in other crimes. Law abiding Negroes are likely to flock to register their guns rather than risk being in violation of the law, he said.

White characterized as "one of the thinnest arguments advanced in support of anti-gun bills" the charge that Negroes used firearms extensively in riot sniping. "That simply does not hold true," he said. "Guns played a very minor role, actually, and those who assert otherwise should know better."

The author pointed out that bills now before Congress would not impose a gun permit system. But, he added, "some of their sponsors make no bones about wanting just that and the President's Crime Commission has advocated registration—which means permits—in every state." "Any and all such permit systems, I firmly believe can be used against the right to bear arms and to discriminate against Negroes."

White said that, because he is a Negro, he feels he would have "little or no chance" of obtaining a firearms permit in most of the 50 states.

He said:

"Anti-gun bills could in fact disenfranchise the Negro of his right to bear arms and to protect himself and his property. To me as an American, they are anti-American. To me as a Negro, they are anti-Negro."

[From the Atlanta (Ga.) World, Mar. 8, 1968]

GUN PERMIT LAWS DISARM NEGROES, SAYS NATIONAL MAGAZINE'S AUTHOR

WASHINGTON.—Negroes in general would be disarmed by gun registration laws, for they would have "little or no chance" of obtaining permits to possess firearms in most states, a Negro author warns in the March issue of "The American Rifleman", magazine of the National Rifle Association of America.

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He said:

"Anti-gun bills could in fact disenfranchise the Negro of his right to bear firearms and to protect himself and his property. To me as an American, they are anti-American. To me as a Negro, they are anti-Negro."

[From the Kenosha (Wis.) News, Dec. 9, 1967]

RIFLE AND GUN FOR JOLLY FUN

Out of all the shooting for and against stricter gun laws, one fact emerges on target.

The National Rifle Association has its political artillery trained on Congress so effectively that our gun-shy representatives have thrown up their hands in surrender.

There are many lobbies which bombard Congress with heavy firepower. But for sheer marksmanship in gunning down anything that might deflect its intense defense of rifle and gun for good, clean fun, you have to confer the sharpshooting medal on the NRA.

And all the shooting in all the rioting in all the country doesn't seem to upset the NRA aim.

[From the Greensburg (Pa.) Tribune-Review, Oct. 31, 1967]

THE NRA'S DISTORTIONS

The National Rifle Association's dogged and thus far successful effort to block enactment of a reasonable federal gun control law is reminiscent of the American Medical Association's fight, a couple of decades ago against what it called "socialized medicine." In each case, the opponents depicted the proposed legislation as a fearsome bugaboo which bore little resemblance to actual proposals.

This has been brought out again by Senator Tydings of Maryland, a chief advocate of the administration bill for more careful regulation of gun sales in the interest of public safety. In a debate with NRA President Harold Glassen, Tydings charged the NRA—and the record bears him out—with misrepresenting the purpose and scope of the proposal. He quoted as typical a statement in the NRA's magazine that its enactment "may mean goodbye to guns," and branded as "completely untrue" any implication that the bill would ban hunting and sport shooting.

Glassen somewhat lamely replied that, while it is true the administration measure would not have this effect, it might lead in the end to complete federal control of gun sales and possession. In support of this view he quoted Tydings and other supporters of the bill as saying it is "a good first step."

There is some reason to be wary lest enactment of a moderate gun law lead to later enactment of a tougher law. But the notion that passage of a mild gun control proposal would inevitably lead step by step to rigid curbs on sportsmen, marksmen and the like simply does not hold water. This can be prevented by keeping an alert eye on subsequent proposals and letting Congress know where the public wants the regulatory line drawn. Meanwhile, Congress ought to quit paying so much heed to the NRA's distortions and enact something along the lines of the administration proposal.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator request additional time?

Mr. DODD. I yield myself one-half minute.

Mr. President, I am fed up with this gun lobby in this country. It is a bad, bad influence. It is unprincipled, and it is dishonorable. It has lied time and again. It misleads many of our colleagues here in the Senate and in the House of Representatives. They receive thousands of letters written by their misguided constituents, and Senators who know better about the gun situation in this country succumb to that propaganda.

I have heard of one Senator who said, "I cannot vote for the Dodd bill; I received 2,000 letters in opposition to it. I think DODD is right about it, but I cannot do it."

Well, we have reached a pretty bad place in our history if Senators who know better cannot vote for a decent piece of legislation like this.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I have delegated the opposition time to the Senator from Nebraska.

Mr. HANSEN. Will the Senator from Nebraska yield time in order that I may question the distinguished Senator from Connecticut?

Mr. DODD. I am happy to yield for a question. I do not have much time.

Mr. McCLELLAN. How much time the Senator from Wyoming wish?

Mr. HANSEN. Probably 20 minutes.

Mr. McCLELLAN. How much time is remaining?

The PRESIDING OFFICER. Fifty-four minutes.

Mr. McCLELLAN. I yield the distinguished Senator 20 minutes.

Does the Senator from Connecticut wish to split the time?

Mr. DODD. I thought it would be more fair to the Senator from Wyoming.

Mr. McCLELLAN. I can only yield the time to the Senator from Wyoming. If he wishes to split the time with the Senator from Connecticut, that is satisfactory to me.

Mr. DODD. Very well.

Mr. HANSEN. I refer the Senator to section 924(b) of title IV, which appears at pages 101 and 102 of the bill. That section reads as follows:

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The commentary in the committee report on that section does not shed much light on its meaning. It says:

Section 924(b).—This subsection provides that a person who ships, transports, or receives a firearm in interstate or foreign commerce with intent to commit a felony, or

with knowledge or reason to believe that such crime will be committed, with the weapons shall be fined not more than $10,000 or imprisoned not more than 10 years, or both. There is no comparable provision in the present Federal Firearms Act.

Apparently this is one of the major features of the pending bill, is that correct?

Mr. DODD. Well, I think it is an important feature.

Mr. HANSEN. What does this subsection mean?

Mr. DODD. It means what it says. It means, for example, that these organized rioters who are running guns into Detroit from New York or some other State, will be severely punished for doing so, if they carry those guns in there with the knowledge and intent that they are to be used to commit a felony. And I think they ought to be punished.

Mr. HANSEN. Must a person actually cross a State line to be in interstate commerce within the meaning of this section, or if he uses a public road or an instrumentality of interstate commerce, would that be enough to bring the section into operation?

Mr. DODD. Well, I think in itself it would be sufficient if he crossed a State line. There are other things that might bring it into operation; but if that was the fact, and he crossed a State line, I think that is a simple fact of interstate commerce.

Mr. HANSEN. The answer is that if he crossed a State line, it would come under the purview of the law, and it would not if he did not?

Mr. DODD. Well, of course, he would have to do more than that. He would have to do so with intent to commit a felony. As the section says:

With intent to commit therewith an offense punishable by imprisonment for a term exceeding one year—

That is a felony—

or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding 1 year is to be committed therewith, ships, transports, or receives a firearm in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

Mr. HANSEN. Would this have the effect of federalizing all crimes committed with the use of firearms?

Mr. DODD. No; not at all. I do not see how it could possibly be so construed. It certainly was not my intention to so write that section.

Mr. HANSEN. Are all felonies covered by this section? Would it not be possible for a court to construe this action broadly in this regard, and federalize all gun crimes?

Mr. DODD. I do not think so. I do not think any court would ever do that. We have aberrations, I suppose, in the judicial departments of our State and Federal Governments. However, they are rare. As a general answer, I would have to say "No", especially in view of the fact that the title excludes certain felonies.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HANSEN, I yield.

Mr. HRUSKA. Mr. President, the section, leaving out the words that are not pertinent, says:

Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm . . .

If that firearm is ordered or procured from a dealer by a man who uses it the next day to engage in a holdup operation or to shoot someone, that would be a Federal offense, would it not, if it could be properly established in court that he had the intent to use that gun for that purpose ?

Mr. DODD. That is exactly what we are trying to stop the interstate movement of firearms for felonious purposes. And it ought to be stopped.

Mr. HRUSKA. Then the answer to the question as to whether or not it is federalized is: "Yes, it would be federalized."

Mr. HANSEN. It would federalize practically all crimes committed with a gun.

Mr. DODD. No. I think that would be carrying it too far.

Mr. HANSEN. I think so, too.

Mr. DODD. All the section means is that if a man personally carries a gun across a State line or causes it to be carried across a State line, knowing that it is to be used in a riot or in the commission of a crime, the punishment for which is more than 1 year, then he will be punished for that offense.

The Senator agrees that this is one of the most serious offenses that we have to stop. This is one of the most knowledgeable and deliberate crimes.

Mr. HANSEN. It seems to me that there is no disagreement on the desirability of stopping crime. But I think we ought to give serious consideration to the instrumentality by which we effect the decrease in crime.

What about stealing oranges in California? If a man had a gun in his car and he were caught stealing oranges, could that act not be construed to come under the purview of this section?

Mr. DODD. One can reduce this to the absurd. However, I call the attention of the Senator to page 89 of S. 917 where we tried to put a limitation on this matter.

Subsection (3) reads:

(3) The term "crime punishable by imprisonment for a term exceeding one year" shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

We have cited the stealing of one orange in California. I do not know how many oranges one has to steal in California to commit a felony.

Mr. MURPHY. One.

Mr. DODD. Perhaps one is enough in California. I do not think that would be true in many other States. However, that is a great orange-producing State, and I suppose the matter is taken very seriously by the people in California.

It is true that we have different laws in the 50 States. I do not think that in my State stealing one orange would amount to a felony. However, if it amounts to a felony in California, and the interstate requirement of title IV is satisfied, then the individual who commits that offense ought to be punished.

Mr. HANSEN. It would follow then by the Senator's own admission that, it being a felony to steal one orange in California if the person had a gun in his car at the time he attempted to steal the orange, he would have committed a Federal offense.

Mr. DODD. I do not follow that line of reasoning at all. We are talking about guns and not about oranges. The whole intent of this section is to prevent people from carrying guns across State lines to commit crimes or to cause them to be shipped or transported across State lines or to receive a gun across a State line with the intention to commit a felony.

The Senator can cite the example of stealing one orange in California. That might be a felony there. It would be hard for me and perhaps for others to understand such punishment except perhaps in the case of Florida, California, or some other orange-producing State.

An exception of this sort does not really vitiate the language in any respect. The idea is to stop people from carrying guns or transporting them or receiving them in interstate commerce to commit crimes.

We cannot write legislation that will cover the law in every State. However, the best we can do is to provide that if it is a crime in a certain State, then the person has no business carrying a gun or shipping it across a State line to commit the crime.

I do not know how we could write legislation any different. We would have to take into consideration every criminal statute in every State of the Union. The Californians would be up in arms. Others would be as well.

I think this is the best we can do. We are talking about guns and the terrible traffic in guns. That is what we are trying to stop and put an end to.

Mr. HANSEN. Mr. President, I appreciate the response of the Senator. It occurs to me that he has gone beyond my question.

The point I wished to make was that by the interpretation—which I think is a legitimate interpretation—of the bill as drafted, a good number of State acts could be construed as being Federal offenses. That is precisely the point I wanted to make.

It does surprise the Senator from Connecticut that there might be a law on the statute books in California that would federalize an offense even as insignificant as the stealing of an orange if that person had a gun in his car at the time.

The point stands, and is well made, that that is nevertheless the law. I suggest to the Senate that I think we are going far beyond any reasonable interpretation of what might be done in the way of the steps society should take to reduce crime when we support a bill that goes too far.

I would like to ask the Senator to consider the effect of title IV upon law-

abiding, bona fide collectors of firearms.

Mr. DODD. Before I answer that question, may I make an observation.

Mr. HANSEN. That was a statement.

Mr. DODD. May I make an observation?

Mr. HANSEN. Would the Senator like to do so on his own time?

Mr. DODD. I do not have the time. All I want to say is that the answer to your original question is "No."

And, by the way, I should add that the same provision, or one almost identical to it, is in the riot bill. And what we are both talking about is guns, not oranges. We are trying to stop crime in this country. I never knew that if you stole one orange in California you could go to jail for a year or more.

I do not know how else we could move. It may seem boring to the Senator that I take so much time to say so.

The whole idea of this section is that the person does this with a weapon. If he goes out there to steal one orange with a gun which he has transported in interstate commerce, he is probably going to stick up a couple of places besides, or murder somebody. I believe it is a fair assumption. He is going out to commit a felony, to commit a crime; and if he has an opportunity to commit more, my guess is, with the little I know about this field, that he will not stop with one orange.

Mr. HANSEN. Would the provisions of title IV limit the ability of firearms collectors in the United States to pursue their interests?

Mr. DODD. No.

Mr. HANSEN. The bill purports to assist the States in controlling commerce in firearms. Under title IV would collectors still be able to purchase or trade firearms with each other in the pursuit of their hobby?

Mr. DODD. Yes. It was certainly my intention, in drafting this section, to exempt genuine collectors from the provision of this title.

Mr. HANSEN. Would two collectors in different States be able to exchange Revolutionary War pistols?

Mr. DODD. Does the Senator mean the American Revolutionary War?

Mr. HANSEN. Yes.

Mr. DODD. Yes. My answer is that they would be able to do so.

Mr. HANSEN. Would two collectors living in different States be able to exchange the Colt handguns used in the Western frontier times of our country?

Mr. DODD. I believe so, if they were manufactured before 1870. That should be frontier date enough. That is the way the bill is written.

Mr. HANSEN. The Senator is correctly informed, as I understand it, insofar as the date is concerned. But many guns used in the West that are antiques were made after 1870 and used center-fired ammunition. Apparently they could not be so exchanged because they were made after 1870. They are no longer in general use, but they are collectors' items. As I read the section, they could not be so exchanged.

Mr. DODD. May I say to the Senator that I got that date from the firearms industry. Does the Senator have a later date to suggest?

Mr. HANSEN. I believe a great many organizations suggested a cutoff date of 1898 instead of 1870.

Mr. DODD. Well, I had not heard of that. I tried to find out as best I could, from the people in the trade, and I got the date of 1870. But I have no hardnose attitude about it. If it is legitimately wrong and it should be a little later, that would not bother me, so long as the person is a genuine collector.

Mr. HANSEN. I would suggest that there is a legitimate reason for the 1898 date. I understand that it is used by some agencies of the Government. It was a year or two before the manufacture of the semiautomatic pistol.

Mr. DODD. I wish the Senator would give me an opportunity to check into that matter.

Mr. HANSEN. As the Senator is aware, it is the practice of serious gun collectors to gather at meetings where their collections are displayed, and, if so inclined, they buy or trade for additions to their firearms collections. Would title IV prohibit this activity?

Mr. DODD. No, I do not believe it would if they were licensed. I cannot think of any section that would prohibit it.

Mr. HANSEN. It is my understanding that the only way this could be done would be to deal with a licensed dealer; and if two collectors were from different States, it would obviously become part of interstate commerce, and consequently it would be prohibited.

Mr. DODD. I believe the Senator is correct; that it would have to be done through the dealers. But that would not prevent it.

Mr. HANSEN. Mr. President, I am prepared to relinquish the floor in a moment. I do wish to make one final comment.

The PRESIDING OFFICER (Mr. HART in the chair). The time of the Senator has expired. Does the Senator request additional time?

Mr. HANSEN. I request 2 additional minutes.

Mr. HRUSKA. I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. I should like to say in conclusion, Mr. President, that there is no argument at all about the objectives we all have in mind. But I believe the serious, justifiable concern arises when we examine proposed legislation that would do things that no one intended to do. I suggest that that is exactly what this bill, unamended, would do.

It would make it a Federal offense, for example, if you should happen to have a gun with you and you were involved in stealing an orange—even something as simple as that. I can foresee the Federal Government becoming involved in any number of cases that have no relevancy at all so far as Federal offenses are concerned; and the Federal Government would be brought in only because we have put together a law that is so broad and so all-encompassing as to make Federal offenses of a great many activities which we do not condone but which certainly should be treated and resolved by local enforcement officials.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I have authority for 1 additional minute, so I may help the Senator a little.

Mr. HANSEN. I yield back the remainder of my time.

Mr. DODD. I shall take 1 additional minute.

The PRESIDING OFFICER. Will the Senator suspend, in order that we may clarify the time situation?

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has been yielded 1 additional minute by the Senator from Massachusetts.

Mr. DODD. It is important to read the following language from page 93 of Senate Report No. 1866, 89th Congress, which is a part of the legislative history of title IV:

> The provisions of the new subsection (b) would provide a severe penalty for shipping, transporting, or receiving a firearm in interstate or foreign commerce with intent, or with knowledge or reasonable cause to believe, that a felony offense is intended to be committed therewith.

It goes on to say that it is an extension of the penalty proposed under the present act, and the 10-year maximum penalty appears clearly warranted in the cases to which subsection (b) would be applicable. That was the intent in including this provision in title IV.

Also, for the Senator's benefit, I should like to point out that the vice president of Smith & Wesson, which is an old and respected gun manufacturer—by the way, not a Connecticut company—testified before my subcommittee that the term "antique firearm" means any firearm utilizing an early type of ignition system, including, but not limited to, matchlock, flintlock, percussion cap, with a light, and of a design used before 1870. He goes on with some other language which I do not believe it is necessary to read.

I wish to demonstrate, for the Senator's information, that we tried to find out the date.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining, and the Senator from Nebraska has 32 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 2½ minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to indicate my support for the amendment of the Senator from Massachusetts [Mr. KENNEDY]. If that amendment is rejected, and I hope it is not rejected, I wish to indicate my support for the amendment offered by the Senator from New York [Mr. JAVITS]. I also want to express my appreciation to the Senator from Connecticut [Mr. DODD] for his leadership and perseverance in this difficult legislation.

Mr. President, I speak from the standpoint of one who has lived in the business world, and does not like to restrict business unduly. I also speak as a sportsman who has spent many wonderful hours in the fields with my boys hunting

quail, pheasant, and duck. Generally, I have restricted my shooting to that done with a camera and the birds have never been safer.

I have lived with sportsmen enough to know that undue restraints should not be placed on this wonderful activity. However, we must do something about the mail-order murder business.

Chicago is known as the home of many mail-order houses. Chicago is also known for a high rate of crime. I would imagine that among the youth of Chicago we probably have a higher incidence of youth armed and carrying firearms than anywhere else in the United States, if not in the world. Illinois law has been brought to bear on this situation, as has the law of Chicago. In my State we have enacted strong measures to try to restrict the use of firearms.

However, I feel that something must be done at the Federal level. I would like to commend such mail-order companies as Montgomery Ward and Sears, Roebuck, which have voluntarily restricted the sale of dangerous weapons.

I feel strongly that we should now take this step to limit what I consider one of the gravest threats to all Americans regarding safety in the streets, safety in the homes, and peace of mind. The situation cannot be placed in responsible hands without control over interstate sales.

Mr. President, for this reason, I enthusiastically support the amendment of the Senator from Massachusetts [Mr. KENNEDY], and if that measure fails, and I hope it will not, then I will support the amendment of the Senator from New York [Mr. JAVITS].

Mr. BURDICK. Mr. President, will the Senator from Connecticut yield to me for a question?

Mr. McCLELLAN. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. Five minutes have been yielded to the Senator from North Dakota by the Senator from Arkansas.

The Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, I call the attention of the Senator from Connecticut [Mr. DODD] to section 906 of title IV which appears on page 106 of the bill which repeals the Federal Firearms Act.

Mr. DODD. Section 906?

Mr. BURDICK. Section 906. Presumably the substantive provisions of that act would be carried forward to the new title. Are there any provisions of the Federal act which are not carried forward?

Mr. DODD. No. We retain the present Federal Firearms Act, and strengthen it.

Mr. BURDICK. Why does the Senator feel it necessary to repeal the Federal Firearms Act rather than to amend it?

Mr. DODD. To move it, is the best answer I can give the Senator. It is a matter of semantics. I am not trying to wipe out the Federal Firearms Act. The best way I know to handle this matter is to move it to amend it, and make it stronger. If the Senator wishes to call that repeal, he may be technically correct, but the word "repeal" to me means to abandon or wipe out, and we have not done that.

Mr. BURDICK. Did not all of the Senator's previous bills, S. 1975 of the 88th Congress, S. 14 and S. 1592 of the 89th Congress, and S. 1 of the 90th Congress, amend the Federal Firearms Act rather than repeal it?

Mr. DODD. Yes, but I wish to point out that the best reason I had in mind for taking this course of action is that I wanted to remove the act from title 15, the commerce title to title 18, because I strongly feel that is where it belongs.

Mr. BURDICK. Are not the criminal penalties in the Federal Firearms Act just as applicable and enforceable as the criminal penalties contained in title 18?

Mr. DODD. Title 18 is the criminal code. It seems to me this is what we are really talking about. We are not talking about rules for the transportation of things in commerce; we are talking about crime and the use of guns in crime, which is a growing factor in our society. I think it makes sense to place the provision under that section of the code dealing with such problems.

Mr. BURDICK. I respectfully suggest that a person who has been convicted of violating the Federal Firearms Act might disagree with you on that score. I now come to the nub of my inquiry.

It appears that the repeal of the Federal Firearms Act would be effective immediately upon the date of enactment of title IV. Is that correct?

Mr. DODD. No, I do not believe so.

Mr. BURDICK. I refer to section 906.

Mr. DODD. I thought it was 180 days. I believe I am right. I think it is after the passage of this act.

Mr. BURDICK. Now I shall read section 907 of title IV which states:

> The amendments made by this title shall become effective 180 days after the date of its enactment—

Except that those persons presently licensed under the Federal Firearms Act shall have valid licenses until the date of their expiration.

From this language, it would appear that the other regulatory provisions of the Federal Firearms Act, other than licenses, are repealed immediately, but that the Senator's new provisions do not come into effect for 180 days.

Does not this situation leave a 6-month gap where we would have no Federal law on the books?

Mr. DODD. I have consulted with legislative counsel, who advises me that this is acceptable language.

Mr. BURDICK. Regardless of the advice, is there not a gap in the law?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. DODD. The best answer I can give is "no," but I do not wish to make it so abrupt. I think the Senator is entitled to more than that. It is not just the opinion of legislative counsel to whom we all turn for advice. I also took up the matter with both the Treasury Department and the Justice Department, and they said as far as administration and enforcement are concerned, they would not consider the Federal act to be repealed, nor the enactment of title IV to be in effect for 180 days. I do not know where else I could have gone to ask for advice more reliable than that.

Mr. BURDICK. I thank the Senator.

Mr. DODD. I thank the Senator from North Dakota. I know of his great interest in this legislation. He is a valued member of our subcommittee and he devotes much of his time to his work. I do not minimize his attitude about the bill. I think if I had more time I could win him over.

Mr. BURDICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, in the final minute or so, I wish to discuss a statement which has been issued by the National Rifle Association on May 13, in which it refers to the long gun amendment. The item to which I refer is a press release to editors of newspapers. The press release states in part:

> [This] section, rejected earlier by the Judiciary Committee * * * would impose the same restrictions on sale of the so-called "long guns" as the proposed legislation now imposes on handguns.

Mr. President, this statement is totally inaccurate and misleading. Under the long gun amendment, the treatment of long guns differs markedly from the treatment of handguns in several respects. First, a person still can purchase long guns in an over-the-counter, out-of-State sale. Second, he can bring a long gun purchased out-of-State back into his State of residence. Third, he can buy a long gun from a Federal dealer if he is over the age of 18.

This complete distortion of fact by an organization which should know better is outrageous. The good public relations office of the NRA, after that organization has followed this legislation so closely and carefully and for so many years, certainly should have known that it was sending out false statements.

It is inexcusable and cannot be written off as mere sloppiness or negligence.

The NRA has been criticized often, and I understand that it was criticized earlier today by the Senator from Connecticut for misinterpretation, exceptions, exaggerations, and gross distortion of representations made by those who support the fair and reasonable gun law. They have done so again and I hope it will be the final gesture on these amendments.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. One minute remains to the Senator from Massachusetts. Is there additional discussion? Who yields time?

Mr. HANSEN. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, will the distinguished Senator from Arkansas yield me time for a few more additional questions?

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-

four minutes remain to the Senator from Arkansas.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield me 10 minutes?

Mr. DODD. Does that time apply to the amendment?

Mr. McCLELLAN. Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. One minute remains to the Senator from Massachusetts and 24 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. HANSEN. I thank the Senator from Arkansas.

Mr. President, I should like to direct these questions to the Senator from Connecticut [Mr. DODD].

Why does the Senator include destructive devices in the same amendment as sporting firearms?

Mr. DODD. Because I think that is where they belong.

Mr. HANSEN. Is there any basic separation under existing law?

Mr. DODD. I do not think there is. There is no clear distinction.

Mr. HANSEN. My understanding was that the Federal Firearms Act of 1938 generally regulates sporting weapons while the National Firearms Act of 1934 places heavy restrictions on gangster-type weapons and deals exclusively with these weapons. Was there not strong protest against placing gangster-type weapons in the same bill as sporting firearms?

Mr. DODD. I am not familiar with that provision. Would the Senator identify it for me?

Mr. HANSEN. Was there not strong protest against placing gangster-type weapons in the same bill as sporting firearms?

Mr. DODD. I assume that is some special provision, is it, of the National Firearms Act?

Mr. KENNEDY of Massachusetts. To what provision is the Senator from Wyoming referring specifically?

Mr. HANSEN. The Senator spoke about the Federal Firearms Act of 1938 and the National Firearms Act of 1934.

Mr. KENNEDY of Massachusetts. Will the Senator identify the section?

Mr. HANSEN. I think the whole thrust of the Federal Firearms Act of 1938 applies generally to sporting firearms; is that not correct?

Mr. DODD. No.

Mr. HANSEN. The National Firearms Act of 1934 places heavy restrictions on gangster-type weapons. This is the thrust of the two laws, is that not right?

Mr. DODD. No, it is not right. I talked about that this morning. If the Senator will read the legislative history, he will find that Attorney General Cummings of the United States wanted to register all firearms of any kind. He certainly was not making any distinction between so-called sporting weapons and destructive devices. It is a matter of legislative history. The gun lobby has dreamed up a legislative history that does not exist in respect to the National Firearms Act and the Federal Firearms Act. It accords with their own ideas but not with the facts. Thus, the conception of the Senator from Wyoming is entirely inaccurate. The gun lobby has been telling this falsehood and fable for years now.

It has been saying that it was the intention to have the National Firearms Act apply only to gangster weapons and the Federal Firearms Act only to sporting weapons. But that is not in the legislative history.

Mr. HANSEN. Insofar as the interpretation of these two acts are concerned and insofar as the activities of the Attorney General are concerned, it is my contention that the Federal Firearms Act of 1938 has been interpreted and enforced generally over the past 30 years to apply to sporting arms whereas the National Firearms Act of 1934 does place a heavy restriction on gangster-type weapons and has been so interpreted.

Mr. DODD. I know that. But I would reiterate that the Federal Firearms Act covers all firearms.

Mr. HANSEN. I should like to ask the Senator: In the 89th Congress, the Senator from Connecticut introduced S. 1591, a bill to amend the National Firearms Act by placing destructive devices within that framework. Why was that bill not reintroduced in the 90th Congress?

Mr. DODD. Because conditions in the country worsened and the sale of destructive devices spread wider and wider. Certainly when I introduced that bill, gangsters had not held up and blasted the Brink's installation in Syracuse, N.Y. I thought it was about time to do something more stringent and put on more restrictions with respect to destructive devices. That is why I changed it. If the Senator will read the several gun measures I have introduced over the past several years, he will find in each instance that I felt it was necessary to make them tougher because the situation was worsening. Those are the only reasons.

Mr. HANSEN. Section 922(b), subsection (4) of title IV, on page 94, calls for control of destructive devices by requiring prior police approval in the form of a sworn statement before purchase could be made. The sworn statement must attest to the fact that there is no provision of law, regulation, or ordinance which would be violated by the person's receipt or possession of a weapon, and the law enforcement officer is satisfied that it is intended for lawful purposes. Does the Senator think it is constitutionally possible for the Federal Government to place such a burden upon the local police?

Mr. DODD. Forgive me if I ask the Senator to give me that citation again.

Mr. HANSEN. Title IV, section 922(b), subsection (4), on page 94.

Mr. DODD. Subsection (4) which reads "any destructive device, machinegun"—is that it?

Mr. HANSEN. It requires prior police approval in the form of a sworn statement before a purchase could be made, and the sworn statement must attest that there is no provision of law, regulation, or ordinance which would be violated by the person's receipt or possession of the weapon, and the law enforcement officer is satisfied that it is intended for lawful purposes.

My question is: Does the Senator think it is constitutionally possible for the Federal Government to place such a burden on the local police?

Mr. DODD. Yes, I do. I think it is entirely constitutional. The purpose of this section is to restrict the sale of these dreadful, destructive devices except for clearly legitimate purposes. I think it is entirely sensible and constitutional for the Government to see to it that their sales are regulated.

Mr. HANSEN. I do not believe the burden under this particular section is on the police but, rather, is on the dealer. Is not that the fact? Rather than being on the police, is not the burden on the dealer?

Mr. DODD. Will the Senator from Wyoming indulge me while I read the section?

Mr. HANSEN. Yes.

Mr. DODD. I recall the language now, having read it. As I read it, the burden is on the dealer to get permission from the police authority to handle this sort of commodity. I do not pretend to be a constitutional lawyer; but I believe, from the advice I sought and received on this title in its entirety, that this provision is constitutional.

Mr. HANSEN. If we assume that this constitutional hurdle can be overcome, what recourse would a potential purchaser have if the local police refused to sign such a statement; and second, if it refused to process an application at all? Would there be no appeal?

Mr. DODD. I suppose he would have recourse to the courts, as all of us do. There are provisions of law in every jurisdiction that I know of.

Mr. HANSEN. Would the Senator cite a provision in the law?

Mr. DODD. Does the Senator mean by that, What statute in my State or his state applies? I know that if any public body arbitrarily and unreasonably denies a fair hearing to an individual, the law provides measures that his lawyers can take to see to it that he gets a hearing.

Mr. HANSEN. But am I correct in saying that there is no provision in the bill in title IV?

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield me 5 additional minutes?

Mr. McCLELLAN. I yield 5 additional minutes to the Senator from Wyoming.

Mr. DODD. Besides the answer I have already made, I think that the applicability of the Administrative Procedure Act would cover certain situations relating to licensees under title IV. With his indulgence, I should like to place in the RECORD a memorandum from the Library of Congress on the applicability of the Administrative Procedure Act to title IV. It would be helpful to all of us.

Mr. HANSEN. Does it apply specifically to this section?

Mr. DODD. I believe there is a reference that is applicable to this section but only as it applies to licensees.

Mr. HANSEN. Will the Senator cite it or supply it for the RECORD?

Mr. DODD. I will supply for the RECORD the document I referred to entitled "Applicability of the Administrative Procedure Act to Title IV of S. 917, Safe Streets Act."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[From the Library of Congress, Legislative Reference Service, Washington, D.C.]

APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO TITLE 4 OF S. 917, TO SAFE STREETS ACT

S. 917, 90th Congress, is a four-part anti-crime bill. Title 4 of the bill would impose a ban on interstate mail-order sale of handguns to individuals and a prohibition against the across-the-counter sale of a handgun to a person who did not live in the dealer's State.

S. 917 gives the Secretary of the Treasury discretionary authority to license importers, manufacturers and dealers to transport or receive in interstate commerce certain designated types of firearms (§§ 922, 923).

In this connection, under S. 917, the following powers would be expressly delegated to the Secretary of the Treasury:

"§ 923. Licensing

* * * * *

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer."

The Secretary of the Treasury would also be given certain specific authority to relieve certain persons from disabilities under the Act:

"§ 925. Exceptions: relief from disabilities

* * *

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm establishes to the satisfaction of the Secretary that the firearm—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unservicable firearm, other than a machinegun as defined by 5848 (2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848 (1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm.

"*Provided*, That the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm will be allowed under this subsection."

In addition, to the specifically delegated powers, the Secretary of the Treasury would be given general authority to make such rules and regulations as he deems necessary:

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

and:

"SEC. 903. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury."

The provisions of the Administrative Procedure Act, as a general rule, are considered to be applicable to all federal administrative agencies whose acts affect personal or property rights other than those agencies specifically excluded in the Act, see 2 *Am. Jur.* 2d § 202 at page 33; 5 USC § 551.

The Administrative Procedure Act defines the agencies subject to the Act in rather general terms as follows:

"5 USC § 551. Definitions

"For the purpose of this subchapter—

"(1) 'agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

"(A) the Congress;

"(B) the courts of the United States;

"(C) the governments of the territories or possessions of the United States;

"(D) the government of the District of Columbia; or except as to the requirements of section 552 of this title—

"(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

"(F) courts martial and military commissions;

"(G) military authority exercised in the field in time of war or in occupied territory; or

"(H) functions conferred by sections 1738, 1739, 1743, and 1944 of title 12; chapter 2 of title 41; or sections 1622, 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix;

"(2) 'person' includes an individual, partnership, corporation, association, or public or private organization other than an agency;

* * * * *

In addition to the general provisions of the Administrative Procedure Act, in some statutes enacted subsequent to the Administrative Procedure Act there are specific provisions bringing the agency involved in the particular statute within the requirements of the Administrative Procedure Act, see the discussion in 2 *Am. Jur.* 2d § 202 at page 33. Title IV of S. 917 does not contain such a provision.

Where there is no specific provision in a statute which indicates whether it was intended that the agency involved was to be subject to the requirements of the Procedure Act, the courts have laid down some guidelines for making this determination.

The United States Supreme Court has held that for purposes of determining the coverage of the Administrative Procedure Act in a given case, "questions of coverage may well be approached through consideration of its [the Administrative Procedure Act's] purposes as disclosed by its background." *Wong Yang Sung* v. *McGrath*, 339 U.S. 33,36 (1950). Among the administrative evils sought to be cured or minimized by the Administrative Procedure Act, the Court mentioned two in the *Wong* case, one, the lack of uniformity of procedure and standardization of administrative practice among the diverse agencies whose customs had departed widely from each other, the other, the practice of embodying in one person or agency the duties of prosecutor and judge (at page 41).

Other decisions have elaborated on the factors to be considered in determining whether an agency is subject to the act in a particular case.

Those factors found especially significant include (1) the performance of quasi-judicial functions in the agency's hearings, (2) fact-finding by the agency, (3) appraisal of the laws and policies of the Federal Government by the agency, (4) adoption of rules by the agency. *Larche* v. *Hannah*, 176 F. Supp. 791 (DCLa. 1959).

In concluding that the Secretary of the Treasury is an "authority of the Government of the United States" and thus an "agency" subject to the Administrative Procedure Act, the provisions of S. 917 considered significant are those directing him to make appropriate regulations which will serve to identify each firearm imported or manufactured, authorizing him to relieve certain persons from disability because of conviction of a crime and requiring him to publish his action in this respect in the Federal Register, and authorizing him to make general rules and regulations and to administer and enforce the law.

Mr. HANSEN. Section 923(a)(4) of title IV—the Senator may refer to page 85 of the bill and page 111 of the report, if he wishes to follow along—defines "destructive device" to include any explosive and any rocket, among other things. By explosive, I would assume that the Senator would include dynamite, for it is certainly an explosive; is it not?

Mr. DODD. Oh, yes; of course, it is an explosive. But it is not included, nor was it intended to be included, in this title when used for lawful purposes.

Mr. HANSEN. And it should logically be included if the Senator intends to regulate explosives. Would that not be true?

Mr. DODD. I do not think so, unless unlawfully used.

Mr. HANSEN. Was not dynamite used to blow up a church in the South, in which four little girls were killed?

Mr. DODD. My recollection is that the Senator is right, but it could be misused and then it would be covered. It is like any other dangerous explosive or deadly weapon, but we specifically say in section 921(b)(2) that a destructive device shown to be designed and intended for lawful use in construction or for other industrial purposes would be excepted.

We had in mind an explosive like dynamite, used in mining or excavating or a similar legitimate enterprise.

Mr. HANSEN. I would suggest that the Senator from Connecticut has made the very point I would like to make, and that is that there are a great many instrumentalities and devices that can be destructive of human life, and there is no

reason to condemn guns because they have been used in this sort of activity. It is the people in whose hands they are that we are concerned about. Not only are guns used to kill people, but dynamite and Molotov cocktails have been used to burn people to death right here in the Capital City of the Nation in the past several weeks. Yet no one seriously suggests that we would try to put a prohibition or prior police approval on the use of gasoline.

It emphasizes the point I am trying to make—that we are going about this in the wrong way. Instead of arming the law enforcement agencies with the authority to exercise their discretion and good judgment and take such steps as they wish to take, we place undue restrictions on instrumentalities which certainly become destructive and death-dealing if they are in the hands of the wrong people.

Mr. DODD. First of all, I think the incidence of using dynamite in that way is rare in this country. There is a law against such use, wherever it occurs, and title IV would also cover such misuse.

Mr. HANSEN. I could not agree with the Senator more. I think the record is quite clear that in general other "destructive devices" are only rarely used by the lawless. I think there is quite a difference. I suggest you have not been sufficiently discerning in trying to strike at that difference. I do not think we are arguing at all insofar as our objectives are concerned. I am sure all of us would like very much to take such steps and actions as would reduce crime in this country. I am concerned because I have seen guns in the hands of a great many people that are properly used.

I must say that if our Government fails to protect citizens—and I hope with all my heart that this will not be the case—and if we cannot do a better job than we have done so far, it may be that a number of our people will believe that their only protection lies in keeping guns in their own homes, not to take them beyond their homes, not to use them outside their homes, but simply to have them there to protect themselves in their own homes.

Mr. DODD. That is going to happen unless we have a decent gun law, and it is happening every day.

Mr. HANSEN. That is going to happen unless the Government recognizes that crime has gotten completely out of hand, that we have not preserved law and order in this country, and does something about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields additional time?

If there is no discussion to be had, is it desired that the time be yielded back?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may a short quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Nebraska.

I commend the Senator from Nebraska for his able and diligent work in the Judiciary Committee on the omnibus crime bill and for his very illuminating and forceful presentation of the issues confronting the Senate with regard to the provisions of title IV. It has been my privilege to observe my colleague and friend, Senator HRUSKA, in both the Subcommittee on Criminal Laws and Procedures and the full committee while we were considering S. 917. Mr. President, the efforts of the Senator from Nebraska were invaluable to the members of the Judiciary Committee, and he has been especially helpful to me and my colleagues on this side of the aisle.

I have listened to portions of the Senator's presentation and read his speech, and I wholeheartedly agree with his comments and with the approach taken by amendment No. 708. I was especially pleased that the Senator pointed out the need for effective control of the sale of firearms rather than just another law which some have held out to be a panacea for the prevention of heinous crimes. The approach of title IV as it is now written would prohibit all mail-order sales to individuals and would place an unreasonable burden on dealers with respect to over-the-counter sales in a way that the dealer would bear the responsibility for making sales only to persons who are eligible to buy or own such a firearm under the local, State, or national law. It must be kept in mind that the present wording of title IV does not provide for a sworn statement which would aid the dealer with the help of the local law enforcement officials to prevent the sale of firearms to persons most likely to commit the type of crimes we are trying to prevent.

I was also pleased that the Senator contrasted the approach of amendment No. 708 with that of title IV as it is now written and pointed out that while amendment No. 708 recognized "the mail-order sale and over-the-counter sale as legitimate channels for methods of sale and distribution of a lawful product" and at the same time providing for the effective regulation and control of these channels. I would like to ask my distinguished colleague from Nebraska several questions about the affidavit system in amendment No. 708 which I believe will be a most effective means of preventing the sale of firearms to those who are prevented by State or local law from obtaining a gun. I have received a number of letters from gun dealers and other citizens who are concerned about the unreasonable burden placed upon dealers by the present wording of title IV. Has this been the case with the distinguished Senator from Nebraska?

Mr. HRUSKA. Oh, yes, indeed it has, because all of the heavy burdens that are described by those who oppose amendment No. 708 as being too burdensome, including the requirement of having in hand a sworn statement signed by the man who is trying to buy a gun, will, under title IV, fall upon the dealer. They do not think that is fair, and they think it is much too big a burden to carry the responsibility of trying to enforce that law. That is a job for the policemen.

Mr. THURMOND. I should like to quote from one of the letters I received from a dealer:

> Over the years I have built up a decent and highly legal mail order handgun business. In every case, the enclosed form is sent to the law enforcement agency of the customer, informing them of his intent to purchase a handgun. Agencies are given ample time to check out the customer's record and to prevent the sale if they see fit.

The card used by this dealer reads as follows:

> Order No. ____.
>
> CHIEF OF POLICE.
>
> GENTLEMEN: In regard to gun purchased by:
>
> Name _____
> Address _____
> City and State _____
> Description of gun: _____
>
> In our endeavor to co-operate fully with law enforcement agencies, we will ship the above order unless we hear from you to the contrary within ten days. Thank you.
>
> Sincerely,
>
> _____ _____.

Does the Senator from Nebraska feel that most of the gun dealers in our Nation diligently seek to be law abiding citizens and are, in fact, outstanding members of their community and civic-minded individuals?

Mr. HRUSKA. They certainly are out our way, and in the Middle West generally, to the fullest extent of my knowledge and contact with them. They realize they are dealing with a very dangerous instrumentality, and I think the great majority of them abide by the law and make every effort even to assist in seeing that the spirit of the law as well as its letter is enforced.

Mr. THURMOND. As I read from the letter, this particular dealer has made it a practice to seek the help of the local law enforcement agencies in an effort to protect society from those persons who would use a gun in an unlawful manner. I wonder if the distinguished Senator from Nebraska has found this to be the attitude of most of the gun dealers in the Nation?

Mr. HRUSKA. Well, it is widely true. I cannot say I have conducted any detailed study on it, but it is widely true, in my judgment.

Mr. THURMOND. Is it not true that the present wording of title IV fails to make use of an affidavit system and fails to properly bring local law enforcement agencies into the picture at a time when they could prevent the unlawful sale of guns to a person within their jurisdiction?

Mr. HRUSKA. Yes; that is true. That affidavit system is not employed, and moreover, it is not available to the gun dealer.

Mr. THURMOND. Mr. President, again I commend the distinguished Senator from Nebraska for his efforts on behalf

of responsible legislation which will effectively control the misuse of the legitimate channels of commerce in the sale of firearms. I do not believe that the present wording of title IV will effectively eliminate the misuse of firearms but it will substantially limit the legitimate use of and methods of obtaining firearms. As a cosponsor of amendment No. 708, I certainly hope that this approach will be adopted by the Senate.

Mr. DODD. Mr. President, will the Senator from Nebraska yield me one-half minute?

Mr. HRUSKA. I am happy to yield to the Senator from Connecticut.

Mr. DODD. I just wish to say that the Senator from South Carolina is a valuable and esteemed member of the subcommittee, and put in a lot of time at the hearings. However mistaken I think he is about title IV, I wish to say for the record that I, together with many other Senators, highly value his judgment in all respects.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Connecticut for his kind remarks.

Mr. DODD. Mr President, the Senator from Massachusetts [Mr. KENNEDY] asked me if I would use up his 1 remaining minute.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. DODD. Mr. President, I do not care to ask the Senator from Illinois [Mr. PERCY] a question, but I would like to have his attention while I make a comment.

The Senator from Illinois made a very intelligent comment about the Kennedy amendment. It seems interesting to me that the Senator commented on the fact that he thought most of the Chicago juveniles had obtained their weapons outside of that city. I think that the figures would bear out the statement of the Senator.

I think the Senator will find that most of those weapons came from the mail order houses in California, and not from the great mail order houses in Chicago

It strikes me as odd that a juvenile in Chicago, where they have very good gun laws, can put a few dollars in an envelope and send it to California and get a gun, whereas if he were to steal an orange in California, he would be committing a felony.

I thought the Senator made a very significant contribution to the amendment by his statement.

The PRESIDING OFFICER. The additional minute of the Senator has expired.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Mr. President, I do not know where we are, timewise. I understand that we have 39 minutes remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 97 minutes remaining, and the Senator from Connecticut has 39 minutes remaining.

Mr. DODD. Mr. President, as usual, the Senator from Nebraska has an advantage in time.

I have no interest in delaying the proceedings, but I hope that the Senator from Nebraska will agree that we might go over until tomorrow in the event that other Senators wish to speak a few minutes in support of my title. I am not sure that there are others, because the Senators have not all been present today.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a brief quorum call may be had without the time being charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 3 minutes.

Mr. MUNDT. Mr. President, I take this time simply to call attention to some testimony which was taken yesterday by our permanent Senate Committee on Investigations, which is charged by Senate resolution with investigating the causes of the various riots which have taken place.

We have been dealing with this matter since the time preceding the assassination of Dr. Martin Luther King, Jr. We have been trying to come up with some suggestions for curtailing or stopping these riots.

In the course of the testimony yesterday, we had a witness by the name of Chief William E. Stephens, chief of police of the city of Highland Park, Mich.

Highland Park, Mich., is a highly urbanized city within the city of Detroit which entirely circumnavigates this little independent municipality. However, it is in the area in which they have had some riot difficulties. And because it deals with the general subject of general legislation and the impact of firearms on riots and on crimes, I think the testimony is especially pertinent.

I take this occasion to read the testimony into the RECORD because the hearing was not well attended or very well covered by the press. Few could anticipate the significance of some of the statements which were made.

Mr. President, I read now from the statement of the chief of police of Highland Park, Mich., which is located right in the center of the great metropolitan area of Detroit.

The chief of police said:

Prior to the riots, on or about May 1, 1967, the Highland Park Police Department had started a Gun Clinic to give instructions in the use of firearms to those of our citizens and businessmen that were interested; this came about because we had experienced a great number of armed robberies and we found that many citizens and businessmen were coming to us to exercise their legal right to purchase and own firearms but who were not familiar with safe handling of guns; and it was my belief that in light of the fact that they had a legal right to possess such firearms we had a duty to give them some basic instructions on their proper use. To this end we gave some degree of training to those that requested it on our police firing range. Word of this small program apparently got around, for thereafter the number of armed robberies we experienced was reduced by one half.

Mr. President, I believe this is a significant statistic for us to reflect upon when we come to vote on gun legislation tomorrow, when we come to the consideration of the Hruska amendment.

In subsequent colloquy and during the question period, as the printed record of the hearings will reveal when it is ultimately printed, it was brought out by the chief's testimony that as the hoodlum element—those engaged in crime—began to learn that respectable citizens had firearms in their homes and that they had taken training under the guidance and tutelage of the police department in the correct and proper use of them and how to use them in self-defense for their own lives and their own families and their own businesses, the number of armed robberies was reduced by 50 percent.

I believe we should keep that in mind as we ask ourselves the question, "Does the legitimate ownership and use of firearms tend to increase crime or decrease crime?"

I recall stating to the chief of police that I wanted to congratulate him on this rather novel approach, and suggested it is something which might be emulated by other police departments and by other mayors and by other municipalities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 1 additional minute to the Senator from South Dakota.

Mr. MUNDT. I also told him of reports in a rural State like South Dakota, back in the era when there were a great many bank robberies taking place, that some of the criminals who were apprehended freely confessed that they made a habit of casing a city or a small town—to use their language. They sent their observers around, up and down Main Street, looking in the stores, and where they found a community in which there were many mounted shotguns and rifles on display, and where it appeared that the citizens were pretty well armed and able to engage in a posse to apprehend a robber, they passed up that community in favor of one where the people had to rely upon the necessarily small group that was paid to enforce the law.

I simply wanted to have this information before the Senate, because in some areas of the country there is a mistaken notion that firearms are something which are employed exclusively by the hoodlum element, whereas there is considerable evidence to point out that ownership of firearms in defense of one's property is one of the ways in which crime can be reduced.

ORDER FOR VOTE ON KENNEDY AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the perfecting amendment

proposed by the Senator from Massachusetts [Mr. KENNEDY] occur tomorrow morning at 9:30.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, the time not to be charged against either side, and that statements therein be limited to 3 minutes.

Mr. MUNDT. Reserving the right to object, does the Senator mean now or in the morning?

Mr. BYRD of West Virginia. Now.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION TO PRINT ADDITIONAL COPIES OF REPORT TO ACCOMPANY BILL TO ASSIST IN THE PROVISION OF HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

Mr. SPARKMAN. Mr. President, I send to the desk a Senate resolution which would authorize 2,000 additional copies of the report to accompany the bill to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 289) as follows:

S. RES. 289

Resolved, That there be printed for the use of the Committee on Banking and Currency two thousand (2,000) additional copies of its report to the Senate to accompany S. 3497, a bill to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 289) was considered and agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 13, 1968, the President had approved and signed the joint resolution (S.J. Res. 131) to designate May 20, 1968, as "Charlotte, N.C., Day."

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am pleased to transmit to the Congress the Annual Report of the Commodity Credit Corporation for fiscal year 1967.

The Report shows that the Corporation has continued to reduce agricultural surpluses. This success is directly related to the substantial gains in the level of farm income since 1960—amounting to 24 percent in total realized net income, and 50 percent in net income per farm.

Despite this progress, per capita income for farmers still falls short of the level for urban workers.

Parity of income for farmers remains an unachieved goal. We began moving closer to its achievement with the passage of the Food and Agriculture Act of 1965. This legislation gives us the flexibility needed to adjust wheat, feed grain and cotton production levels. Supply management programs are vital if we are to improve returns to the Nation's farmers.

In my 1968 Message on the Farmer and Rural America, I have recommended the permanent extension of the 1965 Act to insure that authority for basic commodity programs will not be terminated. The farmer could ill-afford such a lapse.

With surpluses gone, the market operates more freely today than in many years. But the absence of surpluses also means that we must carefully maintain planned security reserves—a National Food Bank. I have recommended the new legislation which will be required to establish such a Bank. We must be able to hold reserve stocks of commodities in readiness for emergency use. At the same time our farmers must be protected against the price-depressing effects of such reserve stocks, particularly during their build-up.

Even though burdensome surpluses are no longer overhanging farm markets, farmers still need and use price-support loans to protect their prices from the depressing effects of temporarily large supplies, particularly at harvest time. In fiscal year 1967, farmers took out loans of nearly $1.4 billion on 1966 crops, and at the end of the year, price-support loans outstanding on these and previous crops totaled $1.5 billion. In addition, price-support purchases, primarily of dairy products, amounted to $327 million.

Commodity inventories owned by CCC at fiscal year end had a value of $1.9 billion. This was more than $1.2 billion less than a year earlier and more than $2 billion less than 2 years ago. The inventories have dropped further since the end of last fiscal year. The smaller inventory level is bringing substantial reductions in CCC's storage, handling and transportation costs. In fiscal year 1967, these costs were down to $310.7 million, compared to $472.9 million in fiscal year 1966 and $513.6 million in fiscal year 1965.

The CCC, in financing P.L. 480 sales for foreign currency and under long-term credit, helps to provide added outlets for U.S. farm production and to supplement the supply of agricultural commodities for people in the less developed countries. During fiscal year 1967, the total costs of this financing amounted to nearly $1.3 billion.

The fiscal 1967 Report demonstrates that the broad authority of the Commodity Credit Corporation is being used to benefit both the U.S. farmer and those in great need abroad. No longer the caretaker of large and costly surpluses, the CCC is returning to its original objective of helping farmers to hold commodities off markets for better prices. And farmers are moving into a new era of balance between supply and demand, while continuing to help free the world from the danger of hunger.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

REPORTS ON CASH AWARDS TO MEMBERS OF THE ARMED FORCES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, which, with the accompanying reports, was referred to the Committee on Armed Services:

To the Congress of the United States:

I am happy to transmit to the Congress reports of the Secretary of Defense and the Secretary of Transportation on cash awards to members of our Armed Forces for noteworthy suggestions, inventions, or scientific achievements.

The cash awards program, first authorized by Congress in September 1965, has proved an excellent incentive for reducing costs and increasing efficiency in the Armed Forces.

The largest percentage of awards—89 percent—continues to be in the $50 and under range. Of the 34,527 awards, however, 1,094 awards were over $250. The total amount paid in awards for suggestions in 1967 was $1,307,832.

In the Department of Defense, over $63,000,000 in first-year benefits have resulted from suggestions submitted by military personnel during 1967. In the Coast Guard, since the inception of the program, benefits have amounted to over $391,000. This raises the total amount of tangible benefits received during the relatively short life of the program to over $119,000,000. Many additional benefits not measurable in dollar amounts have resulted from suggestions concerning safety and other matters.

Few investments of public funds have ever returned such prompt results in economy and efficiency. Few forms of recognition have so widely benefitted the morale or encouraged the initiative of our men and women in uniform.

I urge every Member to examine the truly remarkable and encouraging achievements described in these reports of the Secretary of Defense and the Secretary of Transportation.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 15, 1968.*

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEFICIENCIES FOR ARMED SERVICES

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that certain deficiencies have been authorized to be incurred for the necessities of the current year in certain appropriations for "Operation and maintenance," for the Army, Navy, Marine Corps, and Air Force; to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need for improvement in utilization of available material in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need for improvement in airlift of cargo to Southeast Asia, Military Airlift Command, Department of the Air Force, dated May 14, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to strengthen control over incoming U.S. AID cargos in Vietnam, Agency for International Development, Department of the Army, dated May 15, 1968 (with an accompanying report); to the Committee on Government Operations.

PAYMENT OF CERTAIN EXPENSES RELATING TO REMAINS OF A FEDERAL EMPLOYEE WHO DIES WHILE PERFORMING OFFICIAL DUTIES

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the payment of the expenses of preparation and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

PAYMENT OF JUDGMENT IN INDIAN CLAIMS COMMISSION DOCKET NO. 314

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes; (with accompanying papers); to the Committee on Interior and Insular Affairs.

LOAN APPLICATION UNDER SMALL RECLAMATION PROJECT ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of an application by the Hidalgo and Willacy Counties Water Control and Improvement District No. 1 of Edcouch, Tex., for a loan under the Small Reclamation Projects Act (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of the U.S. Department of Health, Education, and Welfare for the fiscal year 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution adopted by the American Immigration and Citizenship Conference, New York, N.Y., praying for the ratification of the United Nations convention relating to the status of refugees; to the Committee on Foreign Relations.

A resolution adopted by the Ozato Village Assembly, Okinawa, praying for the enactment of legislation relating to the immediate return of Okinawa to Japan; to the Committee on Foreign Relations.

A resolution adopted by the California State Board of Education, Sacramento, Calif., urging the continuance of the provisions of title II of the Elementary and Secondary Education Act at its present level of funding; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

S. 3363. A bill to designate the United States Customs House Building in Providence, R.I., as the "John E. Fogarty Building" (Rept. No. 1122).

S. 3497—HOUSING AND URBAN DEVELOPMENT ACT OF 1968—REPORT OF A COMMITTEE—INDIVIDUAL AND ADDITIONAL VIEWS (S. REPT. NO. 1123)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report an original bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Illinois [Mr. PERCY] and the additional views of Senators TOWER, BENNETT, and HICKENLOOPER.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND:

S. 3493. A bill for the relief of Dr. Laureano S. Falla (also known as Severino Laureano Falla-Alvarez); to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3494. A bill to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. MILLER (for himself and Mr. HICKENLOOPER):

S. 3495. A bill to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy; to the Committee on Armed Services.

By Mr. MUSKIE:

S. 3496. A bill to amend section 1777(c) of title 38, United States Code, so as to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MUSKIE when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3497. A bill to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development; placed on the calendar.

(See the remarks of Mr. SPARKMAN when he reported the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 3498. A bill for the relief of Ho Wing Hong; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 3499. A bill to repeal section 8524 of title 5, United States Code, so that payments for accrued leave to members of the uniformed services will not be counted as Federal wages for purposes of determining eligibility for unemployment compensation; to the Committee on Finance.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 3500. A bill for the relief of Jimmie R. Pope; to the Committee on the Judiciary.

By Mr. HICKENLOOPER:

S. 3501. A bill for the relief of Eligio Cornejo Cruz, M.D.; to the Committee on the Judiciary.

S. 3494—INTRODUCTION OF BILL TO PROVIDE FEDERAL PROTECTION FOR POSTAL EMPLOYEES

Mr. HARTKE. Mr. President, today I am introducing, for appropriate reference, a measure to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties.

Under present provisions of section 1114 of title 18, United States Code, a Federal penalty exists for murder and manslaughter if the victim is a U.S. judge, attorney, U.S. marshall or deputy marshall, an officer of the FBI, postal inspector, and a whole list of other Federal employees in other agencies.

Section 1111 of title 18, United States Code provides penalties for anyone who "forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties." Certainly the provisions of title 18, United States Code, sections 1111 and 1114, should be made applicable to postal employees as well.

In recent months, several brutal assaults have taken place around the country, and I would briefly like to mention a few to illustrate that a bill such as I am now offering is badly needed. In Philadelphia, a postal supervisor was brutally murdered by a disgruntled employee. The only thing the supervisor had done to this employee was to notify him officially that he was to return to the position in the post office which he had originally held.

In another case which happened in

New York recently, an employee snatched a fire ax from the wall and menaced a fellow postal employee. Fortunately, he was restrained before he could do any serious damage.

A somewhat similar assault took place in a Chicago post office where a supervisor was knocked to the ground by an employee, who then ran to his locker and took out an umbrella. Returning to the prostrate supervisor, he rammed the point of the umbrella into his chest several times, inflicting several very serious wounds.

In all of these cases, the victim was not protected by Federal law, and had to seek justice in a local court. In the case of the Chicago supervisor, he sought a conviction in a local court, but there were numerous postponements and by the time the case was finally heard, the supervisor had fully recovered from his wounds and the case was promptly dismissed.

Mr. President, just as I recognize that we cannot legislate morality, I equally recognize that you cannot completely stop one individual from assaulting another individual if he is so disposed. However, if a sufficient measure is enacted into law, it would serve as an added deterrent, and make a person think twice before committing a Federal offense.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3494) to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3496—INTRODUCTION OF BILL TO REMOVE 2-YEAR LIMIT APPLICABLE TO ON-THE-JOB TRAINING COURSES FOR ELIGIBLE VETERANS

Mr. MUSKIE. Mr. President, I introduce today a bill to amend section 1777(c) of title 38, United States Code, to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans.

Under existing law no on-the-job training program is eligible for Veterans' Administration approval unless it can be completed within 2 years. Several Navy Department training programs, particularly the engineering draftsman technician training program and the mechanical skills progression program, cannot meet their educational objectives within 2 years. Because of their highly technical nature, these courses require from 3½ to 5 years for completion.

Veterans who enroll in apprenticeship training programs are covered under the present law, but trainees enrolled in on-the-job training programs dealing with the same skills are not eligible because of the 2-year time limit. Consequently, many qualified and otherwise eligible veterans are being denied educational assistance under the GI bill. Because of the discriminatory 2-year time limit of the present law, veterans enrolled in these technical training programs are denied the benefit of educational assistance even for the first 2 years of the training program.

The bill I introduce today would amend the present law to permit flexibility in determining the length of eligible programs. My amendment would allow the Administrator to evaluate the eligibility of each program upon the nature of the skill involved and the time necessary for students to attain the skill required in the job objective.

I ask unanimous consent to have the text of this bill printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3496) to amend section 1777(c) of title 88, United States Code, so as to remove the 2-year time limit applicable to on-the-job training courses for eligible veterans, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 1777(c) of title 38, United States Code, is amended to read as follows:

"(2) The job customarily requires full-time training for a period of not less than six months and not longer than such period as may be prescribed by the Administrator, taking into consideration the time necessary to attain the skill required for the job objective, and after consulting with the Secretary of Labor, or his designee, regarding the length of the training period which should be prescribed for the job objective."

S. 3499—INTRODUCTION OF BILL RELATING TO REPEAL OF 5 U.S.C. 8524(f) CONCERNING DISQUALIFICATION OF EX-SERVICEMEN IN RECEIPT OF ANNUAL LEAVE FROM UNEMPLOYMENT INSURANCE

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to repeal 5 U.S.C. 8524, which provides that for purposes of determining the eligibility of ex-servicemen for unemployment compensation any payment for unused accrued leave received at the termination of service is considered to continue the Federal service and to constitute Federal wages during the period after termination of service with respect to which the payment was made.

The effect of this section is to disqualify ex-servicemen from receiving unemployment compensation during the period covered by any payment for accrued leave they may have received upon separation, even if the State law under which compensation is claimed would otherwise permit payment. This provision unfairly discriminates against ex-servicemen since no similar disqualification is imposed on Federal civilian employees. The discrimination is particularly blatant because the present section 8524 of title 5 is directly traceable to a similar provision, section 1505 of the Social Security Act, 42 U.S.C., section 1365, which in its original form, did apply to Federal civilian employees.

In 1960 by Public Law 86–442, section 1, effective with benefit years commencing after April 22, 1960, this provision was repealed, insofar as Federal civilian employees were concerned. But in section 2 of the same bill a special provision was inserted continuing it in effect for ex-servicemen.

The bill was subject to very little debate in either the House or the Senate and although the provision continuing section 1365 in effect for ex-servicemen was added as an amendment by the House committee, neither the committee reports on the bill nor the debates offer any explanation of the difference in treatment accorded under the bill to ex-servicemen and Federal civilian employees.

The purpose of Public Law 86–442, as set forth in the committee reports and on the floor of the House and Senate at the time it was considered was simply to leave it up to each individual State to decide whether or not accrued leave payments would be considered as wages for the purpose of determining eligibility for unemployment compensation. I am informed by the Legislative Reference Service and the Department of Labor that approximately 26 States do not treat accrued leave payments as wages for the purpose of determining an ex-serviceman's eligibility for unemployment compensation. Since unemployment insurance for both ex-civilian employees of the Federal Government and ex-servicemen are administered in the same manner; that is, through the States, I cannot see any reason why this matter should be left to the States in the case of ex-civilian employees of the Federal Government but not in the case of ex-servicemen.

The problem caused by this disparity in treatment obviously has become more acute, with the recent expansion of our Armed Forces and the consequent increase in the number of servicemen who are now, and will in the future, upon their discharge, be seeking private employment. Several committees of the Congress have already begun to consider various measures designed to facilitate the transition from service in the Armed Forces to private employment. Clearly, at the very least, our unemployment compensation policy should insure that ex-servicemen are not discriminated against in obtaining unemployment compensation when they are unsuccessful in obtaining immediate employment upon their discharge. That is the purpose of the bill I have introduced today. I emphasize that this bill would not compel any State to disregard accrued leave payments received by servicemen in determining eligibility for unemployment compensation; it merely allows the States to decide for themselves whether or not to do so, as in the case of Federal civilian employees. The Department of Labor informs me that the total cost of this bill based on current experience would not exceed $2.5 million per year.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3499) to repeal section 8524 of title 5, United States Code, so that payments for accrued leave to members of the uniformed services will not be counted as Federal wages for purposes of determining eligibility for unemployment compensation introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILL

Mr. ELLENDER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of the bill (S. 3165) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 289—RESOLUTION TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF REPORT ACCOMPANYING S. 3497

Mr. SPARKMAN submitted a resolution (S. Res. 289) authorizing the printing of additional copies of the Senate report to accompany S. 3497, the Housing and Urban Development Act of 1968, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. SPARKMAN, which appears under a separate heading.)

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 791

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 792

Mr. DODD submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 793

Mr. LONG of Missouri submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 794

Mr. BENNETT submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF EDWIN M. ZIMMERMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 22, 1968, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Edwin M. Zimmerman, of California, to be an Assistant Attorney General, Vice Donald Frank Turner.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

Eldon B. Mahon, of Texas, to be U.S. attorney, northern District of Texas, for a term of 4 years, vice Harold Barefoot Sanders, Jr., resigned.

Richard B. Hardee, of Texas, to be U.S. attorney, eastern district of Texas, for a term of 4 years, vice William Wayne Justice, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, May 22, 1968, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

JUDICIAL REFORM ACT—NOTICE OF CHANGE OF HEARING DATE

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce that the subcommittee's hearing on S. 3055, the Judicial Reform Act, scheduled for tomorrow at 10 a.m., has been postponed until June 6 at 10 a.m. Chief Judge J. Edward Lumbard, of the U.S. Circuit Court of Appeals for the Second Circuit, who was originally scheduled to testify tomorrow, has graciously agreed to appear on June 6.

NOTICE OF HEARING ON NONAPPROPRIATED FUND ACTIVITY JURISDICTION (S. 3163)

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce the continuation of hearings by that subcommittee on S. 3163, a bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States.

The hearings will begin at 9:30 a.m. on Tuesday, May 21, 1968, in the Post Office and Civil Service Committee hearing room, 6206 New Senate Office Building.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. DODD. Mr. President, in the course of this debate, and for the last 6 years as far as I am concerned personally, I have been criticized publicly and privately, indeed put upon in person, because I have proposed a much-needed firearms law to disarm criminals and the demented.

The charge invariably has been that I am trying to disarm the American sportsmen. The hunters, I have been told, are a good lot and should not be inconvenienced by rules and regulations.

I can say that the hunters, shooters, sportsmen I have known have been a good lot, men of substance and standing in the community. And I have been careful to preserve their rights in the legislation I have proposed.

But no one would contend that all those who masquerade as target shooters, hunters, sportsmen really do wear white hats, that they are really qualified to be a symbol of the American rifleman.

The fact is that large numbers of the untrained, the unskilled, and the unprincipled go about in the garb and under the guise of hunters and sportsmen. There is not a hunter, or law officer, or conservationist in the country who does not know that. They also know that traditional hunting and sporting weapons constantly show up in crimes, and I say crimes of the most heinous variety.

The untrained and the unskilled and the careless sportsman each year accounts for the deaths of thousands of innocent people, and the maiming of tens of thousands of others.

And only the most unsophisticated would claim ignorance of the fact that extremists, criminals, the insane, and others take advantage of the easy way the law is written to accommodate the hunter and sportsman to arm themselves against the public interest.

Only those who cannot read would say this is not so. Extremists on both sides have publicly advocated the stockpiling of arms—and that stockpiling is done legally under the existing law.

In point of fact, the hunters themselves see themselves in a poor light.

Consider this description of the eastern deer hunter by Roger Barlow, which appeared in the September 1966 edition of Guns and Ammo magazine. I entitle it "Mommy, Mommy, They Killed Bambi":

> A hunting friend in New Jersey recently protested that we hunters are ourselves largely responsible for the almost unbelievably repulsive "image" we present to the vastly more numerous non-hunting—but voting—public. We shooters, he points out, are supposed to love and understand guns—yet each year far too many Eastern deer hunters are killed. Some of us obviously don't understand guns and hunting. Therefore all hunters are discredited in the many unfriendly news stories and editorials dealing with such "accidents."
>
> But far more important than this, my Jersey friend insists, is our perverse and stupid insistence each fall upon parading thousands of bleeding deer carcasses on car roofs along hundreds of thousand of miles of turnpikes, highways and byways, through thousands of towns and hundreds of cities. Literally millions of non-hunting Eastern citizens are forcefully reminded by a revolt-

ing and bloody display (to them) of the reprehensible activities of the hunters they already despise and resent.

I've seen children get semi-hysterical in a restaurant parking lot when a successful deer hunter's car drives up, "Mommy, Mommy, they killed Bambi!"

This hunter from New Jersey is quite right—why must we, as individuals, discredit ourselves as a group by driving around in red caps and jackets with a gory deer on our car? We can just as easily avoid offending and antagonizing our far more numerous fellow citizens of this area upon whose good will our future hunting depends.

It is to our own great advantage not to remind our non-hunting neighbors, who outvote us, that hunting involves killing.

We do have to worry about what all the housewives and little old ladies (of both sexes) think about us. It may not be too late for us Eastern hunters to live down our reputation of being "Bambi killers."

But killing Bambi is not the whole picture. It does not tell nearly all of the story.

Firearms have accounted for 792,343 deaths from 1900 through 1966.

That is more Americans than were killed in all our wars put together. Think of that and consider this breakdown:

Homicides	278,519
Suicides	369,306
Accidents	144,518
Total	792,343

The exact toll of firearms in the wrong hands will never be known. The above figures do not include the almost 80,000 who are maimed each year by the unskilled and unprincipled.

I mean the people who are cut down by the witless, senseless "sportsmen," armed with rifles and shotguns, like the woman in Maryland who was shot in the neck while weeding her garden just this week, or the little girl knocked out of a tree in Virginia by a high-powered rifle while picking peaches a year or so ago.

Are these the sportsmen who demand the right to go unfettered in their pursuit of shooting happiness, so often advertised and glorified in the shooting magazines?

The National Rifle Association has sponsored an advertisement in its campaign to enroll a million members which reads like this: "More Fun With Your Guns the Year Around—Join the National Rifle Association."

The NRA also puts emphasis on the need for firearms safety as part of its program. Obviously, the safety program has had little effect in terms of the magnitude of the problem since the founding of the organization.

It is estimated that some 20,000 persons will be shot to death this year, and enough more to make up 100,000 innocent people will be wounded or maimed.

Mr. President, I personally do not believe that "plinking is fast becoming the national family pastime," as Capt. William Askins contends in the June 1968 issue of Guns and Ammo magazine which is entitled ".22 Plinking Pistol for Summer Fun."

I disagree with Captain Askins when he says:

No Sunday afternoon picnic is complete without a plinking session.

He says:

The most common target for plinking is tin cans, but more satisfying are bottles, because of the delightful way they break. I like a reaction when I hit a target. Rats, cockroaches, turtles, frogs and sparrows are on my plinking list, too. One of my best plinking sessions was spent shooting English sparrows out of cottonwoods surrounding a farm in Oklahoma. I proudly finished up the afternoon with a bag of 21 birds.

My idea of a Sunday afternoon picnic is something different.

But this is one shooter's portrait of a Sunday afternoon picnic.

There are other views of the shooter, the sportsman who wants everything and is willing to give nothing in return.

One such word picture of the "hunting establishment" was drawn by Bil Gilbert, a noted naturalist, an expert in survival techniques, and a native resident of rural Pennsylvania.

It was published in the October 21, 1967, issue of the Saturday Evening Post.

He sees the hunting establishment, which I point out includes most of the associations and conservation groups that form the gun lobby, as "the most pampered, privileged, subsidized, recreational group in existence." He says:

Nevertheless, it has a paranoiac fear of even the mildest criticism.

That is how he begins his article. I can say that from experience the most of his opinions and virtually all of his facts are well taken.

I ask unanimous consent that the entire article be printed in the RECORD at this point so that when sportsmen, hunters, conservationists, and shooters are referred to in this debate, it will be properly understood that while these sportsmen are not all bad, neither are they all good.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNTING IS A DIRTY BUSINESS

(By Bil Gilbert)

(NOTE.—A native resident of rural Pennsylvania, naturalist and author Bil Gilbert has taught survival techniques to members of the Peace Corps.)

The sports-hunting Establishment—the numerous private and public agencies, industries and lobbies whose life depends upon the killing of our native fauna for pleasure—is the most pampered, privileged, subsidized recreational group in existence. Nevertheless, it has a paranoiac fear of even the mildest criticism. As far as hunters are concerned, every critic is a sentimental old lady (regardless of sex). She is also most probably a vegetarian agent of the socialist conspiracy.

I grew up among a clan whose first instinct upon encountering a creature was to blow a hole in it. Now I earn my living as a naturalist, although when I am in the bush and hungry I will kill and eat anything I can. I have no moral objections to killing various species for legitimate purposes. But I think a live mallard is a thing of beauty and wonder and a dead duck an object of limited interest. The usual hunter does not see the difference.

At the lowest critical level, in my experience, the average hunter is a hypocritical nuisance. Unfortunately I have intimate knowledge of the common, suburban-garden type of sport. Each year the easterly spur of the central Appalachians on which we live is invaded by several regiments of gunners from the wilds of Washington, Baltimore, Philadelphia. Each one seems to believe that because he is trying to shoot an inoffensive animal, he is a tough, crafty, courageous woodsman whose chest is covered with hair, a figure out of James Fenimore Cooper by Ernest Hemingway. Frankly I suffer these clowns more as a composite of Studs Lonigan and Walter Mitty.

Physically they run to paunch and red faces. They are slow of foot, expensively dressed from the tips of their down bootees to the knobs of their silver hip flasks. They have little desire to search for game, but a great desire to kill something that can be tied to a fender or held up in a barroom. They shoot from the road ("Don't slam the door, Jack, you'll scare him"). They rarely pursue wounded game, and after a hunting season the woods are filled with cripples. Hunters are noisy, belligerent and the dirtiest of all outdoors-users, littering the landscape with bottles, corn plasters and aspirin tins. They are also dangerous.

Stories about hunters shooting cows, goats, poodles, Volkswagens and people are part of the folklore, but unfortunately they are frequently true. One fall I foolishly ventured out with three small children into our overgrown pasture. Suddenly there was the report of a gun, the zing-zing of slugs passing through the underbrush a foot or so over our heads. One satisfaction of the whole scary incident was proving that at least one bird watcher was hardy enough to run down one 17-year-old hunter. I took the gun away from the boy and took him to his father, who was sporting nearby. The old man mildly admonished the boy and lectured me sternly about letting "unmarked" children wander about our own posted field.

Beyond the fact that sports hunters are, as a rule, disreputable, the most obvious complaint against them is that they are destructive of wildlife. Several species—the passenger pigeon, heath hen, Eskimo curlew—were simply hunted into extinction. Many more—buffalo, antelope, grizzly bear, wolf, mountain lion, eagle, certain waterfowl—now barely survive.

Hunters say that these were merely atrocities of the past, committed by gunmen who had not been saved by the National Wildlife Federation or the National Rifle Association. Today's hunters are said to be enlightened conservationists whose fees and political support make possible all sorts of wildlife research, protection and preservation. In fact, about half of the funds of state game agencies is spent to hire, equip and arm wardens to protect wildlife from gunners. Hunters are therefore in the position of would-be bank robbers who, upon encountering armed guards in front of a vault, decline to blow it open and then demand a good-conduct medal.

While traveling throughout the country recently, I got in the habit of asking state wildlife officials what they thought would happen if they suddenly halted all their enforcement activities. Eventually all admitted that without gardens the sports gunners would probably come close to wiping out all game and a variety of other species. Actually, removing all hunting restrictions might be the quickest, most effective and natural way of solving the whole hunting problem. It is likely that after a year or two there would be scarcely any conspicuous animals left alive within a quarter of a mile of any road. Surviving wildlife could then be left for nature lovers and those who have sufficient pride, endurance and patience to master the skills of true hunting.

The most irksome aspect of all of this is that, unlike bridge players, Boy Scouts, pool hustlers or any other sporting group, hunters are more or less public wards. I, you, we are required to subsidize hunters with our taxes and set aside large chunks of our increasingly scarce wild lands and wildlife for their use. Somewhere in the neighborhood of 25,000 public wildlife "conservation" workers,

state and federal, consume upwards of a half-billion dollars a year mostly to make it easier and quicker for gunners to gun things. No other sport comes anywhere close to being so pampered and coddled.

Take, for example, the National Wildlife Refuge system operated by the Department of the Interior. Some 29 million acres of public land (2 million more than are in the National Park system) are set aside for wildlife refuges. Much of this land is managed and maintained for the primary benefit of waterfowl gunners. Hunters point out that they buy duck stamps and assert that this money pays for the refuge system. The truth is that the annual refuge budget is about $30 million, and the annual income from duck stamps is $5 million. In other words, about 85 percent of the refuge money comes from general tax revenues. So far as I know, there are no state game agencies that do not need appropriations which issue from people who do not hunt at all.

Hunters attempt to justify this obvious inequity by explaining that the work of state and federal wildlife agencies benefits all wildlife. It is claimed that state and federal hunting lands also serve as a sanctuary for many nongame birds and mammals. They do sometimes, but it is largely accidental. For example, Michigan is contemplating creating about a half-million acres of new deer habitat. This will involve bulldozing the land, turning it into deer-browse scrub. Some other species will find this scrub hospitable, but the variety of wildlife that can use the land will decline. From the standpoint of the nature watcher, these acres will be about as attractive as a housing development in preconstruction stages.

The record of research and management of nongame species carried on by public wildlife agencies is all but nonexistent. You seldom find public wildlife employees out ministering to a bluebird, chipmunk or owl, since they are occupied almost exclusively with about 30 shootable species (out of approximately 1,000) of North American birds and mammals. "You may be hired as a wildlife manager, biologist or whatever, but you soon find that you are paid to put out so much meat on the hoof," explains a man who until last year was an official in a "conservation" department. He is now employed by a private conservation foundation. "I just got tired of being a butcher's assistant and quit."

The results of our national wildlife policy, almost totally dominated by hunters, have been disastrous. A few months ago, for example, the Secretary of the Interior published a list of 169 species of animals judged to be either rare or endangered; that is, they have come perilously close to extinction as public wildlife agencies mismanage or decline to manage nongame species. Another fact that should be considered is that hunters, despite their many privileges, are minority users of wildlife, and their numbers are declining. In 1960 the Department of the Interior estimated there were 14½ million sports hunters. In the 1965 edition of the department's report the number of hunters had dropped by a million, and by now the department has finally counted others who appreciate our wildlife, without violence. There were 11½ million nonhunting users of our fauna, to whom must be added the 120 million national-park users (most of whom hope to encounter a bear in the Smokies, an elk in Yellowstone, a moose on Isle Royale) and the uncountable number whose Sunday stroll can be made memorable by the sight of a pheasant, fox or hawk.

Despite their declining numbers and importance, the hunters are grabbing successfully for still more privileges. When federal legislation for study and management of rare and endangered wildlife was finally enacted in 1966, the price of its passage was a rider that permitted all of the National Wildlife Refuge system to be opened to hunting. Previously, hunting had been allowed on no more than 40 percent of any given refuge. Many of our new and proposed national parks—Pictured Rocks in northern Michigan being an example—are administered by the National Park Service, and commonly called national parks, and yet federal administrators explain that these lands are not "national parks" but "national recreation areas." Through semantics, hunting is not being introduced into forbidden parks, only into recreational areas.

An obvious solution to many of these inconsistencies and inequities is to remove the financial—and thus polticial—stranglehold that hunters and many public wildlife men believe they have on widlife agencies. The crucial need is for all the operating funds for wildlife agencies to be appropriated from general revenues. Freed from the bondage of hunters' money, state and federal wildlife agencies should be required to initiate research and habitat-development-and-preservation programs which would benefit all our fauna, not just those creatures that hunters shoot. There is no reason why some public refuges could not be managed for the pleasure and instruction of small boys who want to climb trees to see crows' nests, of butterfly collectors, deer photographers and those who simply enjoy seeing and contemplating the ways of species not classified as human.

The increase in numbers of non-hunting wildlife-users suggests a source of conservation funds that might more than compensate for the loss of hunters' fees. Already the Federal Government, in a quiet attempt to free itself from hunters' pressure, has begun to tap this source. Last year some nine million dollars was collected from campers, bird watchers, picnickers and scenery viewers and funneled into the Land and Water Conservation Fund. I concede that hunters, whatever their failings, still constitute a recognizable recreational group, and some provision should be made for them. However, they should, proportionately, receive no greater privileges than are granted other sports—pleasure boaters, campers, golfers. Perhaps their share should be a little less since hunting is an aggressive, exploitive use of resources, and the land where ducks are being shot is unsafe for other fun and games. If a fair share of public land, money and services seems to hunters to be insufficient for their needs, then they would be free to buy and stock their own land and pay fees to private landowners or hunting clubs.

None of these changes in wildlife policy and use will occur simply because they are logical and equitable. Hunters are so firmly entrenched in our wildlife bureaucracy that only a concerted, aggressive campaign will flush them. A philosophical basis for this campaign might be the realization that despite a lot of pious, self-congratulatory propaganda, hunters generally are a destructive, dangerous lot, who have made a mess of our wildlife resources. They may or may not have hair on their chests, and maybe some do. But hunters all must be skinned of the right to use the forests and fields as if they were a personal preserve, a private butcher shop.

Mr. DODD. Mr. President, so that my colleagues will understand precisely what the firearms lobby consists of as it is used in this debate, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, an article on the group's membership which was prepared and published April 10, 1968, by the editors of Congressional Quarterly.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The article, which identifies the National Rifle Association as the leader and principal spokesman for the gun lobby, is reasonably, but not entirely complete.

Nor are the references to finances, and their resources complete. I will submit for the RECORD a more thorough analysis of these items at a later date.

EXHIBIT 1

[From Congressional Quarterly, Apr. 10, 1968]

PRESSURE GROUP EFFORT AGAINST GUN CONTROL LEGISLATION PACED BY THE NATIONAL RIFLE ASSOCIATION

Following are the major pressure groups that have worked for and against gun control legislation:

NRA. The National Rifle Assn. (NRA) is by far the most powerful pressure group against strong firearms-control measures. The organization was founded in 1871 by National Guard officers to improve its members' marksmanship. By 1968, the NRA had more than 900,000 members. Of the NRA's $5.7-million budget in 1967, only $131,000 went to its legislative activities, according to the organization's annual report. The large bulk of the funds (37 percent) went to publish its magazine. *The American Rifleman* (25 percent of the income of the NRA was from advertising in the magazine, which is sent free to all members). The remainder of the NRA's expenditures went for such activities as competitions, promotion and membership activities, including the keeping of marksmanship records.

The NRA has never registered as a lobbying organization on the grounds that its functions are primarily educational and that its legislative activities are not a "substantial" portion of its total activities. According to Congressional sources, NRA officers are seldom in direct contact with Members of Congress. But the organization is remarkably efficient in sending information on gun legislation to its members and in encouraging the members to write letters. NRA Secretary Frank C. Daniel told CQ he had no idea how many letters an NRA appeal could generate. But he said that "perhaps half a million would not be too far off."

The NRA's legislative information activities are under Daniel's direction. The organization keeps a complete file, not only of federal laws affecting firearms but also of the laws of each state and many large cities. When gun-control legislation is introduced in a state legislature or in a major city, the NRA immediately sends a two- or four-page bulletin to its members in the area affected. The bulletin describes the proposal, gives the NRA opinion of the effects it would have and lists the appropriate legislators and city officials whom the NRA members are encouraged to write. Similar information is contained in each issue of the *Rifleman*.

More than 500 bills pertaining to firearms, hunting or conservation were introduced in state legislatures in 1967, a typical year, according to NRA officials. A number of these would have put firearms under stricter regulations. Yet, as an indication of the effectiveness of the NRA's legislative bulletins, no gun control legislation which the NRA actively opposed has been adopted at the state or local level in decades with the exception of a 1966 New Jersey law and city ordinances in New York City, Chicago and Philadelphia.

The NRA gains some of its strength from its close ties with the Pentagon. These ties remain despite the 1967 cancellation of Government support for the NRA-sponsored National Rifle Matches. The group's Executive Vice President, Franklin L. Orth, is a former deputy assistant secretary of the Army (also a former member of the Subversive Activities Control Board). And many of the past military directors of the civilian marksmanship program have retired from the Army and are now on the NRA payroll.

A major source of strength in recruiting

membership is a 1903 law, and its subsequent amendments, which gives the Pentagon only two ways to rid itself of surplus firearms and ammunition. It can sell the surplus for scrap. Or it can sell it to NRA members at a bargain price. In 1967, after the Detroit riot, 400 members of the Detroit police force were required to pay a $5 membership fee to the NRA before they could purchase surplus carbines for use in riot control.

Wildlife Groups. Wildlife and conservation organizations also have opposed strong gun control legislation. According to an official of a wildlife organizaiton, they tended to follow the lead of the National Rifle Assn. on legislative matters, opposing what the NRA opposed and supporting what the NRA supported. "We have no machinery to evaluate gun laws ourselves, so we depend on them," the official said.

Among the better known of these organizations are: The National Wildlife Federation, a nonprofit private organization seeking to attain "conservation goals through educational means"; the Wildlife Management Institute, concerned with research into wildlife restoration, which has 15,000 members; and the Izaak Walton League, concerned with hunting and fishing.

Firearms and ammunition manufacturers contribute heavily to the support of the National Wildlife Federation and the Wildlife Management Institute. And a sizeable portion of the federal funds that are spent for wildlife and conservation are directly related to gun and ammunition manufacturing. Under the Patman-Robertson Act (the Federal Aid in Wildlife Restoration Act) of 1937, which was supported by the gun industry, an 11-percent excise tax on the manufacture of sporting arms and ammunition is earmarked for aiding state fish and game agencies. In 1967, this excise tax generated $28 million for the states. While virtually every other industry in the country opposes excise taxes on its own goods, the firearms industry repeatedly has supported the Pittman-Robertson tax.

Industry Organizations. The National Shooting Sports Foundation (NSSF) is an organization of about 100 manufacturers, dealers, magazines and organizations with interests in sports shooting. It was established in 1961, to conduct promotion and public relations for the industry. According to Carl Bakal's book, *"The Right to Bear Arms,"* the organization was conceived on June 8, 1960, at a New York seminar on antifirearms legislation. *The New York Times* reported that the conferees—firearms industry representatives, outdoor writers and conservationists—agreed that a central body was needed to coordinate the efforts of "many public and industrial groups that already monitor vigilantly a yearly torrent of bills in Congress, legislatures and city councils aimed at the regulation of firearms." The organization spends large sums of money on advertising and promotion ($200,000 in 1963, according to Bakal), and some of the ads are concerned with legislation. For instance, one which ran in outdoor magazines went: "Lawmakers who know the feel of the field can become great marksmen. Good enough to shoot holes in the antifirearm argument." The NSSF has never registered as a lobbyist.

In addition to the NSSF, the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), a trade association of nine of the largest makers of guns and ammunition, has opposed firearms control legislation.

Many manufacturers have Washington offices, including Colt, DuPont (the parent company of Remington) and Olin Mathieson (Winchester-Western). But, except for the four manufacturers which registered a representative in 1965—Savage Arms, Redfield Gun Sight Co., O.F. Mossberg & Sons Inc. and High Standard Corp.—none has lobbyists registered for it.

COUNCIL FOR A RESPONSIBLE FIREARMS POLICY

The only organization primarily concerned with enacting stronger gun-control laws has been the National Council for a Responsible Firearms Policy. The Council was formed in 1967, and has as directors such prominent men as New York Mayor John V. Lindsay (R), former Maryland Gov. J. Millard Tawes (D) and author Cleveland Amory.

The Council has few members, no more than 75, according to one source. Its secretary, J. Elliott Corbett, would not tell CQ how many members the organization has, but he said there were "not as many as we would like." The Council also has no full-time staff and little money.

Corbett said the Council has applied to the IRS for tax-exempt status as an educational organization, and, he said, if this is approved, the organization will hire a staff and become more active. The Council has not and does not plan to register as a lobbyist.

THE SENATE SHOULD ENACT TITLE IV, THE CONCEALED WEAPONS TITLE OF THE OMNIBUS CRIME ACT

Mr. TYDINGS. Mr. President, Congress has an obligation to the American people to delay no longer the enactment of legislation which will place reasonable, intelligent, and long-needed curbs on the indiscriminate interstate traffic in firearms. I believe that the passage of title IV of S. 917 will give us such legislation.

Most of us are—or should be—aware of the major provisions of title IV. It has been the subject of heated debate both in and out of the Senate. The provisions were the subject of congressional hearings in 1963, 1964, 1965, and 1967. It has been the target of well organized attacks again and again and to many of us who have supported it there have been ascribed a variety of motives which range from a simple lack of understanding to a diabolical desire to strip our fellow citizens of their constitutional rights. The charges used in these attacks have been ridiculous, wrong, and in many instances, irrational.

We have been told that gun control is a local problem; we have heard that gun laws do not keep firearms out of the hands of criminals; and the highly vocal opponents of effective gun legislation would have us believe that passage of the bill would lead to the disarming of our citizenry.

The time has come, I believe, for us to reject these frivolous and ill-founded charges and to acknowledge the serious threat which unbridled firearms traffic poses to this Nation's well-being. Indeed, it has passed from being a mere threat to becoming stark reality in many areas of the country. The evidence is all about us; we need only examine it to discover that the danger is immediate, clear and real. We cannot afford to ignore it.

I noted a moment ago that it has been said that the imposition of any controls upon the use, acquisition or possession of guns is properly a function of the States. It has also been said that the Federal Government should not invade a field in which the States are best qualified to act.

I think it is abundantly clear that title IV does not represent an effort on the part of the Congress to invade the domain of the States; I think it is equally clear that what title IV does represent is an effort to help the States help themselves. And, title IV would do that simply by controlling the flow of weapons from State to State.

The ultimate purpose of the overwhelming majority of State gun laws is to keep firearms out of the hands of criminals and others who are obviously unfit to properly use such weapons and to prohibit the acquisition and possession of certain types of weapons and destructive devices for which there is no legitimate need.

Title IV contains two important provisions which would help the States to achieve that purpose: First, title IV would direct the flow of commercial interstate traffic in firearms between persons licensed under the act. Second, a dealer-licensee would be prohibited from selling firearms, other than rifles and shotguns, to a resident of a State other than that in which the dealer's place of business is located. Where rifles and shotguns are concerned, a licensee could sell to out-of-State residents only if he were satisfied that the laws of the buyer's home State did not preclude his purchase or possession of such a firearm in the purchaser's own State.

Title IV also imposes restrictions on private interstate sales and purchases of firearms. A nonlicensee would be prohibited from selling a firearm, other than a shotgun or rifle, outside his State of residence. Further, this measure would prohibit a purchaser from transporting into or receiving in his State of residence a firearm, other than a rifle or shotgun, purchased outside that State, or a rifle or a shotgun which it would be illegal for him to purchase or possess in his home State, county, or city. These are necessary restrictions, for without them, State and local authorities would be given little support in the implementation of their own gun control laws.

I recognize that these measures might, at times, cause minor inconvenience to private individuals but I believe that this is a small price to pay for the benefits which will flow from such measures.

In recent years, shameful and tragic riots have shocked many of our major urban areas. We know of the frightful toll in lives and property which has been taken during these periods of civil unrest. Our law enforcement agencies have told us of the role which guns have played in making even more difficult the hazardous duties of our police and firefighters.

During the riot which swept Detroit, Mich., during July 23 to 30 of last year, police officers were shot by snipers and 16 others were injured as a result of snipers firing at police vehicles. In that period, some 267 handguns were confiscated and many of them taken from known killers, robbers, thieves, and looters. Under Michigan law, a permit is required to purchase a handgun and such guns must also be registered. Yet 207 of these guns were not registered and 38 were taken from individuals who possessed the weapons without the knowledge of the owners.

Detroit law-enforcement authorities established that the majority of the

handguns seized from the rioters had come from out-of-State, most of them from Toledo, Ohio, where no meaningful gun control laws exist.

The same pattern has been followed in city after city and until effective Federal legislation is enacted there appears to be little cause to hope that the pattern will be broken. The National Advisory Commission on Civil Disorders has strongly urged passage of this legislation. The Commission concluded after months of intensive study:

> The fact that firearms can readily be acquired is an obviously dangerous factor in dealing with civil disorders. It makes it easier for a serious incident to spark a riot and may increase the level of violence during disorders. It increases the dangers faced by police and others seeking to control riots . . .
>
> We . . . believe that Federal legislation is essential in order to make state and local laws fully effective, and to regulate areas beyond the reach of state government.

I do not believe it necessary to dwell at length upon the features of title IV. We know what the bill provides and we know what it does not provide. The opponents of the bill know that this legislation is not intended nor will it disarm law-abiding and responsible citizens. They also know that it is clearly constitutional.

The time has come when we must evaluate our country's needs objectively, disregarding the emotional rhetoric which has accompanied almost every attempt to obtain rational gun controls. I think that after we have made our evaluation of those needs, we will appreciate the urgency for the immediate enactment of sensible and effective gun controls. Indeed, a perusal of the many hearings held in recent years on proposed Federal gun controls convinces one that those opposing meaningful and effective controls in this vital area are purporting to support weaker measures, but would prefer no measure be passed at all.

We are now living in troubled times. The welfare and safety of this Nation demands effective firearms controls. The vast majority of our citizens support meaningful controls.

How long are we going to continue to allow maniacs, criminals, drug addicts, drunkards, and other irresponsible people easy access to lethal firearms? The time has come for Congress to enact a strong and effective Federal firearms law now. We have been considering firearms legislation since prior to President Kennedy's assassination in 1963. We have not enacted any substantive firearms legislation since 1938—nearly 30 years ago.

How long will we continue to allow nearly 19,000 deaths each year by means of firearms? How long will we allow criminals to use firearms in some 43,000 aggravated assaults and some 50,000 robberies each year? Guns claim on the average of 50 lives a day or one every half hour, and are the means used to kill more than 95 percent of the police slain each year across the Nation. Three-quarters of a million people have died in the United States by firearms misuse since 1900—more than in all our wars.

Title IV is an effective means of controlling the indiscriminate sale of handguns in interstate commerce, although frankly, I believe we need controls over indiscriminate sale of rifles and shotguns as well.

Rifles and shotguns were used in about one-third of the homicides committed with firearms last year. More and more maniacs and criminals are resorting to these weapons to maim and kill people. This legislation should be of material assistance to the States in enforcing their own State and local firearms laws.

The present Federal Firearms Act is totally ineffective and inadequate to deal with our firearms problem today. There are presently no controls over the interstate mail-order sale of handguns and the over-the-counter purchase of handguns by nonresidents. Criminals use the interstate mail-order route to circumvent effective State and local firearms laws by having handguns shipped into their State unknown to law-enforcement officials. Criminals also buy handguns in States where firearms laws are lax, and return to their own State where the laws are more stringent and could not purchase a handgun to commit crimes. These handguns are again obtained unknown to law-enforcement officials.

Firearms legislation has been endorsed by the President, the International Association of Chiefs of Police, the American Bar Association, the Department of Justice and FBI, most State and local law-enforcement officers in the United States, and numerous National, State, county, and local organizations.

Public opinion polls have shown repeatedly that a vast majority of the public favor more effective Federal firearms control. The latest Harris survey indicated that the American people favor the passage of Federal laws that place tight controls over the sale of guns in this country by 71 to 23 percent margin. This poll indicated that the public favored registration of firearms. However, title IV is much less severe than registration. The National Crime Commission in its February, 1967 report recommended registration of firearms. Again title IV nowhere approaches this type of strict regulation.

This bill will not hamper the legitimate sportsman or the hunter in obtaining his rifles and shotguns, nor will it hamper or prevent a person from possessing a firearm in his home or place of business for self-defense, assuming he has complied with his State and local laws.

Title IV is aimed primarily at controlling the interstate sale of handguns.

It would—

Prohibit the interstate mail-order sale of handguns, except between federally licensed firearms dealers;

Prohibit the over-the-counter sale of handguns to persons not residing in the State in which the firearms dealer's place of business is located;

Prohibit a Federal firearms dealer from selling a handgun to a person under 21 years of age;

Prohibit a Federal firearms dealer from selling a firearm to a person who the dealer believes is prohibited by State or local law from receiving a firearm;

Prohibits a Federal dealer from selling a firearm to a convicted felon, fugitive from justice, or person under indictment;

Prohibits the transportation or receipt in interstate commerce of firearms knowing a felony is to be committed with that weapon;

Provides higher standards and increases fees for obtaining Federal firearms dealer's licenses to prevent persons from obtaining such licenses for illegal purposes;

Regulates the importation of firearms into the United States by excluding military surplus handguns which show up in more than 50 percent of the crimes where handguns are confiscated. Also rifles and shotguns not suitable for sporting purposes could not be imported; and

Prohibit the sale of destructive devices—such as antitank guns, bombs and grenades—and machineguns unless the purchaser's local law enforcement officer approves such sale.

Title IV does not do the following:

Does not prohibit the mail-order sale of rifles and shotguns;

Does not prohibit the over-the-counter purchases of rifles and shotguns by persons in their own State or in other States unless a State or local law would be violated;

Does not require the registration or licensing of handguns, rifles, or shotguns;

Does not prohibit the transportation, carrying, or receipt of rifles or shotgun unless you are a felon, fugitive, under indictment, desire to use them to commit a felony, or would be violating State or local law; and

Does not prohibit the intrastate mail-order sale of handguns or the intrastate over-the-counter purchase of handguns, except where the purchaser is under 21 or the purchase would be in violation of State or local law.

Although title IV prohibits the interstate mail-order sale of handguns except between licensed dealers, a resident of one State may order a handgun offered for sale in another State through his own local firearms dealer.

It is fundamental in our Federal system that the States determine their own firearms policy since the need for firearms control varies with the State or region. However, it is apparent that in the firearms area, Federal support is needed to help the State and local communities enforce their own firearms laws.

The bill would not curtail ownership of guns among those legally entitled to own them, nor would registration be forced on unwilling States. Sportsmen and hunters can carry rifles and shotguns across State lines, and pistols can be carried in conformity with State and local law.

Title IV is not the cure-all for violent crime. It will not prevent all crime, but it will give the States and local communities an opportunity to enforce effectively their own State and local firearms laws.

The people of the United States want stricter control of guns. Congress is fully empowered to act. The issue has been debated beyond reason. The public interest and the public safety require action now.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. President, the National District Attorneys Association representing approximately 2,500 prosecuting attorneys throughout America and Canada recently held their midwinter conference. A series of resolutions were passed at this conference which the association believes would greatly assist the prosecutor in the discharge of his difficult duties, if implemented by legislation. One of those resolutions, entitled "Firearms Control," strongly endorses "efforts presently being made in Congress to regulate interstate and mail-order shipment of firearms, over-the-counter sale of handguns to out-of-State purchasers, and the sale of firearms to minors."

In other words, the National District Attorneys Association has endorsed the principal provisions of title IV, the concealed weapons title of the Safe Streets Act. I ask that the "Firearms Control" resolution of the National District Attorneys Association be reprinted at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 5: FIREARMS CONTROL

Whereas, the easy accessibility to firearms is a significant factor in criminal homicides and other crimes of violence; and

Whereas, federal and state firearms control laws will assist law enforcement in reducing the number of offenses committed with firearms and will aid in the detection, arrest and successful prosecution of persons using firearms in the commission of crimes; now, therefore

Be it resolved, that the National District Attorneys Association supports efforts presently being made in the Congress to regulate the interstate and mail order shipment of firearms, over-the-counter sale of hand guns to out-of-state purchasers, and the sale of firearms to minors; and

Be it further resolved, that we urge the Congress to consider expanding such legislation to prohibit the sale of firearms to convicted criminals and to persons suffering from mental disorders; and

Be it further resolved, that we support legislation at the local level requiring the registration of all firearms.

JAMES J. KILPATRICK ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. TYDINGS. Mr. President, the noted conservative columnist, Mr. James J. Kilpatrick, has urged Senate passage of title IV, the concealed weapons provision of the Safe Streets Act. He has called title IV's passage "urgently needed now."

Writing in last Thursday's Washington Evening Star, Mr. Kilpatrick put the gun lobby's objections to title IV in their proper perspective. He effectively answered objections, saying:

With the best will in the world, it is difficult to comprehend the opposition of the National Rifle Association, and other sportsmen's groups, to a bill along the lines now under debate in the Senate.

Mr. Kilpatrick's views on the concealed weapons provision of the safe streets bill deserves the attention of every Member of the Senate. I ask that they be reprinted in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S HIGH TIME FOR FEDERAL GUN-CONTROL LAW

(By James J. Kilpatrick)

What's in the news? Here in Washington, three juveniles, armed with pistols, rob a bank. An ex-con, armed with a pistol, murders a storekeeper. A hysterical girl seizes a pistol and kills her father. Two thugs, armed with pistols, wound a local grocer.

This is news? This is routine stuff. With deadly, dreary monotony, the same items appear every day across the land. It is high time—it is way past high time—for the Congress to take effective action on handgun control within the United States. Under Title IV of the crime bill now pending in the Senate, an opportunity is presented for legislative decision. That opportunity must not be wasted.

Who can quarrel with the legislative findings set forth in the bill? There is, in fact, a widespread traffic in concealable firearms. There is no question of the ease with which criminals, thrill-seeking juveniles, narcotics addicts, and mentally defective persons may acquire handguns. Who can deny that the mail-order sale of such weapons thwarts the effectiveness of State and local regulations? Hundreds of pages of testimony support these conclusions.

With the best will in the world, it is difficult to comprehend the opposition of the National Rifle Association, and other sportsmen's groups, to a bill along the lines of the bill now under debate in the Senate. The major purpose of the proposal is to limit the commerce in concealable handguns to federally licensed dealers, who in turn would be required to regulate their sale. What's wrong with that? How does this hurt the law-abiding sportsman?

It is true that in some of its provisions, dealing with the importation of foreign guns, the bill seeks to impose restrictions upon rifles and shotguns as well. The pending bill would be a better bill, in my own view, if it were stripped of language giving all sorts of broad powers to the Secretary of the Treasury. These provisions are not essential to the bill's main purpose, and they are bound to arouse opposition among the sportsmen groups.

It may be useful, in this regard to spell out what the pending bill does not do.

For one thing, the measure has nothing whatever to do with collectors of antique firearms. The bill defines an antique firearm as "any firearm of a design used before the year 1870 or replica thereof." Such weapons are expressly excluded from the bill.

The pending bill would not prohibit the mail-order sale by dealers, within the United States, of sporting shotguns and rifles. The bill would not prohibit the ordinary sale of such long guns to persons under 21. In one provision after another, the proposal deals solely with firearms "other than a rifle or shotgun."

The bill would not have the slightest effect upon hunters taking rifles or shotguns across a state line. It would not inhibit the routine shipment of weapons for repairs. It would not, in short, interfere in any unreasonable way with the sportsmen or target shooters engaged in lawful activities.

What, then, is all the row about? Some gun buffs contend that federal legislation is altogether prohibited by the Second Amendment to the Constitution, which says that "the right of the people to keep and bear arms shall not be infringed." But this provision clearly relates to the maintenance of a "well-regulated militia, being necessary to the security of a free state." The objection is groundless.

Other opponents are full of a kooky paranoia. They see the Communists taking over the United States and proceeding at once, through gun registration records, to the confiscation of all private firearms. These critics are having nightmares; they are groaning in their sleep.

A responsible Congress will keep its eye on the main target: handguns—concealable handguns. In a violent time, these tools of violence must be brought under sensible control. Such a legislative achievement is not impossible; and it is urgently needed—now.

LOS ANGELES TIMES ENDORSES TITLE IV, THE CONCEALED WEAPONS PROVISION

Mr. TYDINGS. Mr. President, in deciding between title IV, the concealed weapons provision of the Safe Streets Act and the pending substitutes for title IV, the Senate will have to decide whether we are going to have some reasonable gun control law in this country, or a bill which is not worth the paper upon which it is written.

The question is whether we are, by enacting title IV, going to cut off the interstate sale of handguns or whether we are merely going to require a self-serving affidavit procedure which has the same purpose but which in fact will not deter criminals, lunatics, and juveniles from getting guns and will impose a burden and harassment on honest sportsmen.

A recent editorial in the Los Angeles Times on this question is particularly relevant to our debate. The Times editorial points out:

At a time of ever increasing violence in crime, it seems incredible that we still have the most lax restrictions on firearms of any developed country.

The Times endorses title IV, the bill now pending before the Senate and in addition would go further. The Times says:

The Times not only urges passage of the proposed gun controls but also suggests that registration of all lethal weapons may be in order.

The Times issues a challenge to the Congress. It says:

Now is the time for Congress finally to take a stand on mail order murder.

Mr. President, I ask that the full text of the Los Angeles Times editorial be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 24, 1968]

CONGRESS AND THE GUN LOBBY

The tragic slaying of Dr. Martin Luther King Jr. has focused new national attention on the continued failure of Congress to enact effective gun control laws.

At a time of ever-increasing violence and crime, it seems incredible that we still have the most lax restrictions on firearms of any developed country.

Nowhere in the world are guns so readily available as in the United States. The result is a frightening toll: 6,400 murders were committed with firearms in 1966 plus 10,000 suicides and 2,600 accidental deaths.

Yet every attempt in recent years to gain tougher federal gun legislation has been frustrated in Congress. Even the assassination of President Kennedy with a mail-order rifle didn't lead to restrictions on the traffic in such weapons.

That was in 1963. On April 5, 1968—the day after Dr. King's murder—the best that the Senate Judiciary Committee could do was to vote a watered-down measure limited to restricting inter-state shipment of hand-

guns or their direct sale to out-of-state customers.

The day before, the committee once again voted down the major gun control proposal by rejecting the long-sought prohibition of all mail-order sales of rifles and shotguns as well as of handguns.

This minimal protection had the strong support of President Johnson, Atty. Gen. Ramsey Clark, FBI Director J. Edgar Hoover, American Bar Assn. president Earl F. Morris and most police chiefs throughout the country—and, according to polls, the backing of a big majority of all the people of the United States.

Nevertheless, the curiously effective lobbying of the National Rifle Assn. and allied organizations still manages to exert sufficient pressure to spike gun laws.

Five years after Lee Harvey Oswald clipped a coupon from the NRA official magazine to order the carbine with which he shot the President, any potential assassin, revolutionary or common criminal can arm himself as easily.

One of the biggest reasons for the NRA's success is that it purports to fight restrictions which aren't even before Congress. The association claims that the pending bill would limit rights of hunters and honest citizens to own a gun.

It would do nothing of the kind.

The legislation would only have restricted mail-order gun shipments, which are now virtually without any control. Firearms are thus easily and alarmingly available to psychopaths like Lee Harvey Oswald, to criminals and to minors.

Some persons even have gone so far as to propose that perhaps total civilian disarmament is necessary in a society so violence-oriented.

The measure turned down by the Senate Judiciary Committee would simply have strengthened the gun controls now exercised by states. No mention is made of registration of weapons or "disarming" of the public—favorite scare words of NRA.

The Times not only urges passage of the proposed gun controls but also suggests that registration of all lethal weapons may well be in order.

"How long," Atty. Gen. Clark asked a Senate subcommittee last year, "will it take a people deeply concerned about crime in their midst to move to control the principal weapon of the criminal: guns?"

As long as it takes our lawmakers to resist the gun lobbyists and to act to protect their constituents.

Now is the time for Congress finally to take a stand on mail-order murder.

THE POOR PEOPLE'S MARCH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have the following items printed in the RECORD:

An article by Willard Clopton, Jr., published in today's Washington Post, entitled "Marchers Move in, Hint a Long Stay."

A news story by Carl Bernstein, published in today's Washington Post, entitled "Firms in Riot Area Losing Insurance."

An article by Alfred E. Lewis, published in today's Washington Post, entitled "Merchant Slain in Store Looted During April Riot."

A story by Bernadette Carey, published in today's Washington Post, entitled "Poor People's University Planned To Specialize in Study of Poverty."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCHERS MOVE IN, HINT A LONG STAY

(By Willard Clopton, Jr.)

"Resurrection City USA" acquired its first settlers and a zip code yesterday, as hints were given that the poor people's shantytown by the Reflecting Pool could become a semi-permanent encampment.

"We may be here two or three years," the Rev. James Bevel, a top official of the Southern Christian Leadership Conference, said at an afternnon press briefing.

The Rev. Bernard Lafayette Jr., national coordinator of the Poor People's Campaign, told newsmen that the protesters are prepared to ignore the June 16 expiration date for the permit that allows them to camp on West Potomac Park.

"The permit may run out, but we will not be run out," he said and added: "We got our permission to stay here from the American Indians."

About 600 camp-in participants, most of them from Mississippi, are in Washington now.

At the camp site, the banging of hammers competed with the overhead roar of jetliners, and by nightfall more than 100 plywood-and-plastic shanties had been erected.

A Campaign spokesman said that at least 200 persons would be living in the structures by last night.

One postal official said the settlement had been tentatively assigned the zip code 20013. But another said the matter of mail delivery was still being worked out.

A wooden barricade went up at the camp entrance yesterday and Campaign marshals politely shooed away reporters and other outsiders.

Several explanations were given.

"We are not animals in a zoo, but people trying to establish a nonviolent community," said the Rev. A. E. Sampson, an SCLC field director. Mr. Bevel said it was to keep the work crews from being distracted, while Mr. Lafayette said it was to prevent injuries to visitors.

One nonparticipant admitted was Stokely Carmichael, former chairman of the Student Nonviolent Coordinating Committee, who made a smiling, hand-shaking visit to the scene during the afternoon.

Mr. Bevel later described Carmichael as "a friend and brother . . . one of the very important and outstanding black leaders in the country."

Early in the day, Sen. Charles H. Percy (R-Ill.) dropped by to don a carpenter's apron and pound a nail into a shelter.

He again endorsed the Campaign and said that as long as it is kept nonviolent and reasonable, "We must be receptive, we must listen and we must learn."

At the press briefing, Mr. Lafayette restated the SCLC aim of maintaining order. The campground, he said, "will be a nonviolent city—the first we know of in the United States."

Mr. Bevel said the protesters will practice "political psychiatry" on the Nation's leaders and "educate" them on the need to eliminate poverty now.

In another action, the National Capital Area Child Day Care Association said it would continue its day-care program for the marchers' preschool children at Sacred Heart Church, 16th Street and Park Road nw.—until the families can move into the camp site.

Meanwhile, representatives of the National Welfare Rights Organization met with officials of the Department of Health, Education, and Welfare to discuss pending welfare amendments to the Social Security Act, to which they object.

Dr. George A. Wiley, head of the Organization, said later he would call for protest demonstrations throughout the country when the amendments take effect July 1.

At Resurrection City, the first arrivals were busy getting acquainted with their new surroundings.

One Mississippi woman ran her hand across the plywood walls and commented: "This is okay. It's better than what we have at home."

The youngsters darted here and there and scampered across piles of lumber. One woman started to cuff her unruly son but was restrained by another mother, who said, "Uh-uh, no violence now."

FIRMS IN RIOT AREA LOSING INSURANCE

(By Carl Bernstein)

The insurance policies of at least 100 firms doing business in riot-affected areas of the city have been canceled, the District superintendent of insurance said yesterday.

The superintendent, Albert F. Jordan, said that his office is receiving "five to ten complaints a day," and that "more than 100" cancellations have been verified.

Aides in Jordan's office estimated that the actual number of cancellations—many reports are still being checked—probably exceeds 200.

Jordan, who described the number of insurance cancellations here as "very serious," said that "we are in for very big trouble" unless Congress moves quickly to establish a National Insurance Development Corp., to aid underwriters suffering losses from rioting.

Mayor Walter E. Washington's appeal to insurance companies to refrain from either canceling or refusing to renew policies in the ghetto, Jordan said "has been something less than successful."

Also, the Superintendent said, the Mayor's effort to convince underwriting firms that they should voluntarily pool their resources against future losses in slum areas has been "hampered by delays."

The Mayor's pooling plan, which he presented to insurance companies April 29 as a stopgap measure to protect ghetto firms until Congress acts on the National Insurance Development Corp. proposal, will be the subject of a meeting today between Jordan and industry representatives.

According to Jordan, no firms in riot-affected areas reported insurance cancellations "in the first few days" after April's civil disturbances here. "Then we started getting a few," he said, "and now we're getting more and more. The problem is getting worse obviously."

Jordan said the number of cancellations is "compounded" by an undetermined number of refusals to renew policies in slum areas, "as well as the fact that no other company will pick up insurance on a man who has been canceled because of the riot."

Jordan, who said the "more than 100 cancellations" verified by his office have been attributed to eight insurance companies, commented that "the great majority" of underwriting firms "are trying to cooperate with us the best they can."

Members of Jordan's staff said they are checking reports that about ten other companies have canceled policies. More than 270 insurance firms are licensed to do business in the District.

Jordan said that "no company has engaged in wholesale cancellations" of their policies in ghetto areas," but added "no company wants to write new policies in the riot areas either."

Jordan identified the eight companies known by his office to have canceled policies as the Aetna Casualty & Surety Co. of Hartford; the Hartford Mutual Co. of Blair, Md.; the Home Insurance Co. of New York; the Phoenix Assurance Co. of New York; the Zurich Insurance Co. of Chicago; the Northwestern National Insurance Co. of Milwaukee; the Grain Dealers Mutual Insurance Co. of Indiana, and the Firemen's Insurance Co. of Washington, D.C.

Most of the stores where insurance was canceled were small retail establishments, with liquor stores the hardest hit, accord-

ing to Jordan. He did not list specific businesses.

Jack Veatch, president of the District Association of Insurance Agents, said yesterday that he is "not surprised" by the number of cancellations. He said the industry is "trying to be as fair as possible." Like Jordan, Veatch called for national legislation to provide a reinsurance pool for ghetto businesses.

Herbert M. Pasewalk, vice president of the Firemen's firm here, said that his firm is "trying to cooperate" with Mayor Washington's request but that "we've got to live, too." He said Firemen's has canceled most of its policies in which stores were damaged or looted during rioting, but said the firm "will not engage in wholesale cancellations in the ghetto." Representatives of the other seven companies could not be reached for comment yesterday.

In a related development yesterday, a local drycleaning firm filed suit in U.S. District Court against an insurance company it says will not pay off claims because Washington's disturbances constituted a "civil insurrection."

The suit, for $500,000 in damages, was filed by Aristo Cleaners and Dyers, Inc., against Royal Exchange Assurance of America, Inc. Aristo claims that the April disturbances were not an insurrection but a "riot" and thus the firm's losses should be covered by its policy with Royal Exchange.

MERCHANT SLAIN IN STORE LOOTED DURING APRIL RIOT

(By Alfred E. Lewis)

A 62-year-old hardware merchant was found shot to death in his store at 3213 Georgia ave. nw. yesterday afternoon.

His wife, concerned when he hadn't answered her phone calls, entered the store while police were investigating her husband's slaying.

Police said the merchant, Bert C. Walker, had been shot twice in the head by a holdup man who apparently fled without a dime. The cash register was jammed and had been pounded with a blunt instrument. The dead man's wallet was still in his pocket. It contained a small amount of money.

The windows of the store were smashed when it was looted during last month's rioting, and the plywood that stood in their place blocked a view of much of the interior from the street.

It was the fourth slaying of a Washington area merchant in 15 days.

Capt. Eugene D. Gooding, commander of the Tenth Precinct, said the killing took place between 1:15 and 2 p.m., when the body was found.

Walker, who lived at 6518 8th ave., Hyattsville, and who had been in business at the store for more than 30 years, had called a nearby liquor store at 1:15 p.m. to order beer and cigarettes to take home.

At 2 p.m., John Bethea, 59, an employe of the Georgia Avenue Liquor Store, 3210 Georgia ave. nw., walked into Walker's paint and hardware store with the order. The store appeared to be empty and Bethea called out Walker's name. He searched and found Walker's body at the rear of the store, lying behind a counter.

Dr. Richard Whelton, District coroner, pronounced Walker dead at the scene at about 2:45 p.m. He said cursory examination showed Walker had been shot at least twice through the head. An autopsy will be performed today.

Police, who arrived shortly after 2 p.m., were followed soon after by Mrs. Walker.

Walker's store was looted and the windows were broken during the rioting April 5.

The first of the earlier slayings occurred April 29, with the fatal shooting of Benjamin Brown, 59, in his liquor store at 1100 9th st. nw. Next was Emery Wade, 40, an A&P store manager, killed May 3 in the store at 821 Southern ave., Oxon Hill, Md. The third victim was Charles Sweitzer, 59, a sundries department manager in the Brinsfield Rexall Drug Store, 3939 South Capitol st, on May 7. Arrests have been made in each of the earlier cases.

POOR PEOPLE'S UNIVERSITY PLANNED TO SPECIALIZE IN STUDY OF POVERTY

(By Bernadette Carey)

Organizers of the Poor People's Campaign are working with a committee of faculty members at area colleges to set up a Poor People's University.

The special school for the study of poverty, its problems and tactics for its elimination, hopes to enroll between 5000 and 7000 people, predominantly among the college students expected to come to Washington to join Campaign demonstrations.

It is scheduled to open May 29, and to run through the remainder of the Campaign.

Supporters of the program have already met with representatives of the consortium of five area universities (American, Catholic, George Washington, Georgetown and Howard), and have requested use of classrooms, dormitories and other facilities on their campuses.

The universities are expected to respond to those requests at a meeting tonight.

"We know that lots of young people who are planning to come here for the Poor People's Campaign, have very poor reasons for coming," explained Stoney Cooks, 25-year-old coordinator of campus and student activities for the Southern Christian Leadership Conference, and originator of the idea for a Poor People's University.

"But we hope to use even their vague interest to get them involved in our movement—not just while they're here, but in our summer task force for youth, and after they've returned to their schools and communities."

Cooks said the courses will include such titles as "Welfare Regulations and Qualifications," and "The Negative Income Tax," to "The Psychology of Racism," and "The Corporate Establishment."

Though many leaders of organizations participating in the campaign would act as teachers and leaders of discussion groups the proposed university also hopes to have a corps of experts such as author Michael Harrington, Ebony magazine editor Lerone Bennett, Jr., and Bayard Rustin, director of the A. Philip Randolph Institute.

Cooks said the university would require no qualifications for prospective students, and that poor people and young people not currently enrolled in any college would be eligible.

"We hope to provide housing and some meals for those participating," he added. "But we are asking that those students who can afford it bring money of their own."

Cooks identified the members of the faculty committee working with him on the university as: Grady Tyson and Bernard Ross of American University, Sister Mary Gerald of Trinity College, Cynthia Thomas of Georgetown U, Clifton Jones and Roy D. Jones of Howard, Mal Harris of George Washington and Sister Mary Frieda of Catholic U.

SOVIET NAVAL FORCES IN PERSIAN GULF

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a column by Rowland Evans and Robert Novak, published in today's Washington Post, entitled "Soviet Naval Forces in Persian Gulf Pose Threat to Western Interests."

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SOVIET NAVAL FORCES IN PERSIAN GULF POSE THREAT TO WESTERN INTERESTS

(By Rowland Evans and Robert Novak)

The newest, profoundly disturbing evidence of how the Soviet Union is building its power base in the Middle East is the presence, reported here for the first time, of Soviet naval vessels in the Persian Gulf.

Composed of a cruiser and several destroyers, this latest show of Soviet penetration of the Middle East has been quietly followed by U.S. intelligence experts as it moved across the Indian Ocean from a goodwill mission to India.

In itself, the presence of Soviet naval vessels in the northern Indian Ocean does not mean that Russia is about to inherit the position of Great Britain as the great power that will be calling the shots in that highly strategic, oil-rich region.

The British have already announced their intention to pull out from their historic power bases in the Persian Gulf by 1971, under the pressure of economic crisis at home. With the British leaving, it is only natural for the Soviet Union to start maneuvering for maximum advantage, and a show of naval power is an obvious gambit.

But the disturbing fact is that U.S. officials do not find a single example in history of Russian naval vessels ever before having sailed into the Persian Gulf. This, then is a symbolic display of the Soviet flag with historic overtones designed to influence one of the most strategic areas in the world at precisely the moment that a power vacuum is being created.

Moreover, it coincides with the establishment of Soviet naval bases or their equivalent along the southern shore of the Mediterranean in the Egyptian ports of Alexandria and Port Said. A large and well-equipped Soviet fleet has been patrolling the eastern end of the Mediterranean, watering, supplying and fueling at those two Egyptian ports ever since the six-day Arab-Israeli war one year ago.

It is no wonder that of all the nations vitally interested in reopening the Suez Canal the most interested today is the Soviet Union. Once the canal is again navigable, the Soviet fleet will not have to sail from Asia via the Indian Ocean to reach the Persian Gulf. Soviet vessels can then sail down the Red Sea, around the southern tip of the South Arabian states (where anti-Western forces in the Yemen civil war are directly supplied by Russia) and up into the Persian Gulf.

For the United States, the clear warning that Moscow is leaping into the Persian Gulf vacuum presents dangerous alternatives. Quite apart from the Persian Gulf, for example, the United States is already in an intolerable bind over what to do in the Arab-Israeli crisis, a dilemma that bears directly, on the more distant question of the Persian Gulf.

The basic U.S. hope in the Arab-Israeli struggle is that the Soviet Union will finally decide that the risks of war with the United States outweigh all the political advantages Moscow could still gain from helping the Arabs against Israel. Thus, the Johnson Administration continues to refuse to give Israel the F-4 Phantom aircraft she says she needs for self-defense.

By not giving Israel our top-rated fighter aircraft, it is hoped that Russia will decide not to send open-ended arms shipments to the Arabs. Experts here now claim that these shipments have tapered off and that Russia may not build up Egypt beyond its military strength of last May.

In other words, U.S. policy, which has consistently followed rather than led the major events in the Middle East for the past several years, is still geared to a long-range, Washington-Moscow detente, the vital part of which is that neither great power will pro-

vide enough new arms to upset the precarious balance of power, as it was upset a year ago.

The trouble with this policy is that it is based primarily on hope—hope that Moscow will see the Middle East as Washington sees it—and not on U.S. initiative. And therein lies the real danger of the Soviet naval force now steaming in the Persian Gulf.

While Washington hopes, Moscow is acting—building naval facilities, penetrating regions historically out of bounds, and systematically subverting U.S. interests.

NATIONAL GALLERY OF ART

Mr. PELL. Mr. President, I should like to call to the attention of the Senate an article which appeared in the Newsweek magazine of May 6, 1968, which reviewed the career and accomplishments of Richard Bales, director of music of the National Gallery of Art.

Last week commemorated Mr. Bales 25th anniversary as director of music for the National Gallery and the opening of the Gallery's 25th annual American music festival which he founded. To my mind, we as a nation are very fortunate to have someone like Richard Bales affiliated with one of our national institutions. He is not only a gifted musician who has brought the pleasures of music to his fellow musicians, but is also a first-rate historian. It is interesting to note that the Newsweek article is entitled "America's Kapellmeister." It is also interesting to note that Johann Sebastian Bach was also a Kapellmeister. Perhaps the most clear definition of this term is one who composes and performs music for the people by whom he is employed; Bach in a church for the communicants and Bales in a national museum for the country's citizens.

The pleasurable moments spent in the east garden court of the National Gallery listening to the finely trained chamber orchestra of Richard Bales are moments which thousands of people both residents and visitors to our Nation's Capital will long remember.

On the occasion of his 25th anniversary at the National Art Gallery I wish not only to congratulate Mr. Bales, but also to extend warm wishes for many more successful years.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S KAPELLMEISTER

Joseph Haydn would have appreciated the scene in Washington's National Gallery, which is not so different from the palace of the Esterházys where he was *Kapellmeister*. The skylighted, columned East Garden Court is a hothouse of potted palms, lilies and philodendron. And some people not quick enough to find one of the 600 seats perched on the edge of the large Louis XIV fountain that used to decorate the gardens at Versailles.

Last week, in that leafy splendor, America's Kapellmeister, Richard Bales, celebrated both his 25th year as director of music for the National Gallery and the opening of his 25th annual American Music Festival, seven concerts devoted exclusively to American music from the eighteenth-century William Billings to the world première of avantguardist Charles Wuorinen's "Making Ends Meet." The hit of the opening program, with the 57-piece National Gallery Orchestra, was Charles Tomlinson Griffes's "The Pleasure Dome of Kubla Khan," a lush tone poem written in 1919, that conductor Bales calls "one of the greatest American works."

American music plays an important role in the other 33 Sunday-night concerts at the Gallery. In a quarter of a century the 53-year-old Bales has provided a forum for more than 400 American composers and well over 200 world premières, including works by Leonard Bernstein, David Diamond, Quincy Porter and Ulysses Kay. But the classics are regular fare. "I don't think you can do a good job with American music," Bales told NEWSWEEK's Jane Whitmore, "without that background. And an adventurous spirit."

ANCESTORS

Bales regards as his "happiest and most important" contribution his early championing of Charles Ives—in 1953 he led the world premiere of Ives's First Symphony. "Now it's easy, Ives is famous," says Bales. "But in those days we jumped into the cold water and swam." In gratitude Ives sent Bales all of his published songs and in a memorable letter said, "Your fervent insight into the sources, mostly from bygone days, reflecting the lives and souls of our spiritual ancestors is deeply and truly felt."

As the national Kapellmeister, Bales has looked to America's musical past as well as its future. He has been the archivist of American music, diligently seeking forgotten scores and rescuing many, from the march played at Abraham Lincoln's funeral to three nineteenth-century baseball ditties that Bales used in the third of his four National Gallery suites. Shortly before Bales conducted the orchestra at the reopening of Ford's Theatre in January, he discovered the piano score to A. A. Hopkins's "Silver Bell Waltz" bearing a notation from Mrs. Lincoln that it had been the President's favorite. Bales orchestrated the touching dance music in time for the dedication ceremonies.

But Bales's most notable evocations of history have been his cantatas, "The Revolution," "The Confederacy" and "The Union," all available on Columbia records, in which he has revived and orchestrated the music of the time and welded it into a coherent and stirring musical history. "It's like writing history in your own words," says Bales, "hoping to hit the style of the period. I call it instant history."

He also made modern history of a sort when, in looking for a love song for "The Confederacy," he came upon "The Yellow Rose of Texas." "I thought it was a peach," he says, and so did Mitch Miller, who turned it into a pop smash. What makes the Civil War cantatas so moving is not only Bale's authoritative and sensitive presentations of soulful music, whether it is "General Lee's Grand March" or a sentimental love song such as "Lorena," but the dramatic expression of the human spirit, both Blue and Gray, from general to private, mother to girl friend, during the times that tried men's souls.

PATRIOT

The search for America's musical past is a personal exploration for the Virginia-born Bales. His great-great-grandfather spent a winter at Valley Forge and tended Lafayette's wounds at the battle of Brandywine. Two of Bales's grandparents fought on opposite sides during the Civil War. "I was raised to be patriotic," he says. "Lee and Grant and Stonewall Jackson were just like members of the family." He studied music at Eastman and Juilliard where he was one of four private pupils chosen by Serge Koussevitzky to spend the summer of 1940 at Tanglewood. The other three were Leonard Bernstein, Lukas Foss and Thor Johnson.

"I have tried to put a musical carpet under the lives of our ancestors," he says. "I think there is an American flavor to our music. It doesn't have anything to do with whether it's great music or not. It's us, our own, under our own sun. In this age everyone wants to be terribly original, but maybe that is not the high point. Maybe Americans should express themselves for what they are."

It's rare to see a man so happy in his work. "I really feel like the last of the Kapellmeisters," he says. "The gallery has been just like a patron prince. I feel as lucky as Haydn."

PRESIDENT JOHNSON'S INTEREST IN THE ARTS AND HUMANITIES

Mr. PELL. Mr. President, when he concludes his term of office, President Johnson will leave a firm and positive implant on our Nation's history through his support of the arts and humanities during his administration.

In fact, never have the arts and humanities been so encouraged by official policy and never have the arts and humanities in our country so flourished as they have in the past few years. And, when history is written 100 or 200 years hence, I believe that the artistic explosion that has occurred in this time will be one of the shining remembrances of President Johnson's administration.

One of many examples of President Johnson's interest in the arts and humanities was his dedication recently of the Smithsonian Institution's National Collection of Fine Arts. At that dedication he delivered a perceptive and sensitive talk. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT DEDICATION OF SMITHSONIAN INSTITUTION'S NATIONAL COLLECTION OF FINE ARTS

Distinguished Regents of the Smithsonian, Secretary Ripley, Dr. Scott, Ladies and Gentlemen:

This is a proud moment. I wanted to say that dedicating the new home of this National Collection makes me feel like a proud father, but on the plane this evening coming back from Kansas City, Mrs. Johnson said that would sound boastful.

So then I thought that I might say that I felt like a proud grandfather. But some people, she told me, think I already talk too much about my grandson.

So tonight, my friends, I am authorized to tell all of you that I do feel very much like a proud uncle of the National Collection.

I think you know how an uncle is. He doesn't visit very often, but he likes his relations to do well and it is good to see that the National Collection is doing well.

If I will never be remembered as a patron of the arts, I should be delighted to be known as an uncle of the arts.

Truly, this is a historic night for all of us. Until now, the United States was the only great country which had no national museum devoted to its own art.

The American collection was shunted about our Capital like a cultural stepchild. It was always in search of a home. Tonight it has a home, a great, historic home whose sandstone came from the quarries that were first operated by George Washington, and whose halls welcomed Abraham Lincoln on the night of his Inaugural Ball.

So tonight, thanks to the tireless dedication of many, many Americans, we see laid out before us the creative history of our great Nation.

From the beginning, America was known as a very vigorous and a very dynamic nation. It grew quickly in size and population and wealth. From the beginning, America was a wonder of the world, and also a hope for the world.

It would have been most unusual, I think, if all of this energy had not been accompanied by great artistic outpouring. As we can see here this evening, it was, and it is.

Through art, it is said, the soul of a nation is revealed. This new museum is a great resource for America, and for all the world, for that matter.

I am proud that I can be here with you to open this museum. I am very proud of the patrons who have made it possible. I am proud to wish it a long, happy, and prosperous life.

Let me add another word.

This is a day that we shall remember for another reason. It was 1:00 o'clock this morning that I was awakened and informed that Hanoi was prepared to meet us in Paris, to talk about peace.

We often think about peace as an absence of war. But, in fact, peace is a struggle, an achievement, an endless effort to convert hostility into negotiation, bloody violence into politics, and hate into reconciliation.

I have sought this moment for more days and nights than you will ever credit, and in enough places for all the historians to fully judge that we were fully credible when we said "any time, anywhere."

Now we shall begin. The days, the weeks, and the months ahead are going to be very hard and hazardous and trying, and exact the best from all of us. But with every fiber of my being, I shall try to move us from fighting to peace, from enmity to brotherhood, and from destruction to common efforts on behalf of the men and women and children of all of Southeast Asia.

In all of this, I ask all of you for your prayers.

Thank you, and good night.

RESOLUTION OF THE RHODE ISLAND GENERAL ASSEMBLY ON INCOME TAX EXEMPTIONS

Mr. PELL. Mr. President, I invite the attention of the Senate to a resolution adopted by the General Assembly of the State of Rhode Island, urging an increase in the exemptions allowed individuals under the Federal income tax.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION H1547

Resolution memorializing the Congress of the United States to raise the individual tax exemption from $600 to $1,000

Resolved, That the members of the congress of the United States be and they are hereby respectfully requested to enact such legislation as may be necessary to raise the individual tax exemption from the present six hundred dollars ($600.00) to one thousand dollars ($1,000.00); and be it further

Resolved, That the secretary of state be and he hereby is requested to transmit to the senators and representatives from Rhode Island in the congress of the United States duly certified copies of this resolution in the hope they will exert every effort to effect its purposes.

Attest:

AUGUST P. LA FRANCE,
Secretary of State.

RESOLUTION OF THE RHODE ISLAND GENERAL ASSEMBLY ON ESTABLISHMENT OF A NATIONAL CEMETERY IN RHODE ISLAND

Mr. PELL. Mr. President, I invite the attention of the Senate to a resolution adopted by the General Assembly of Rhode Island memorializing Congress to authorize establishment of a national cemetery in Glocester, R.I.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 5620

Resolution memorializing the Congress of the United States to pass H.R. 5649, a bill to establish a national cemetery in Glocester, R.I.

Whereas, Congressman Fernand St Germain, United States Representative in Congress, First District, Rhode Island, has introduced H.R. 5649, a bill to establish a national cemetery in Rhode Island; and

Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

Whereas, In every other region of the country there are at least four national cemeteries, but in New England there are none; and

Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

Whereas, The historically rich State of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now therefore be it

Resolved, That the general assembly does hereby memorialize the Congress of the United States to pass H.R. 5649, a bill to establish a national cemetery in Glocester, Rhode Island; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that they will give this matter their personal attention.

Attest:

AUGUST P. LA FRANCE,
Secretary of State.

NO. 2 FUEL OIL

Mr. PELL. Mr. President, one of the most pervasive and persistent economic problems affecting my State and the New England region generally is the maintenance of adequate supplies of fuel oil at prices which are equitable and fair for the average consumer.

During the past winter, there were threatened and actual shortages of No. 2 fuel oil which is the basic fuel used by thousands of my constituents for home heating during the long New England winter, and only by the issuance of emergency import allocations was an adequate supply maintained.

In one case, the major deep water terminal facility at Providence which supplies fuel oil to many Rhode Island dealers actually ran out of fuel. Fortunately, the supply was restored in time to prevent disruption of service to consumers, but it was an unpleasant reminder to all of us that the comfort and well-being of many thousands of people depends on a rather slender supply line.

On that occasion, I sent a telegram to Secretary Udall urging him to take steps to provide continuity of oil supplies in the future so that there would not be a repetition of the threatened disruption. In response, I received a courteous and encouraging reply from Secretary Udall advising me that his staff would undertake a careful analysis of the problem and that he would consider remedies to prevent a recurrence of this year's problems. I ask unanimous consent that I may insert in the RECORD at this point my telegram of March 5, 1968 to Secretary Udall and his letter of response dated March 21.

There being no objection, the telegram and letter were ordered to be printed in the RECORD, as follows:

MARCH 5, 1968.

HON. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.:

Northeast Petroleum Corp. of Rhode Island advises me that their deep water terminal at Providence ran out of number 2 fuel oil at 2 p.m. today, March 5. This facility serves more dealers than any other in Rhode Island and severe public inconvenience could result from disruption of its service.

I am advised that Northeast Petroleum is expecting shipment this week of fuel allocated February 27. However, the shortage today demonstrates clearly that New England needs a permanent long-range solution and not stop-gap relief.

Urgently request that you give this matter your immediate attention and that you advise me at the earliest of any steps you can take to provide permanent continuity of fuel oil supplies for New England.

Warm regards,

CLAIBORNE PELL,
U.S. Senate.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 21, 1968.

HON. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your telegram of March 5 about the No. 2 fuel oil picture in New England.

I am well aware that the recent allocations by the Oil Import Appeals Board constitute at best a temporary solution. It may be that a more permanent solution is not possible under the present Oil Import Program. In any event, the essential first step is a careful analysis of the No. 2 fuel oil situation in light of the unusual developments of the past year. I plan to have my people do such an analysis as soon as the heating season ends and advise me on the alternatives available to prevent a recurrence of this year's problems.

We will keep you advised of our progress.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. PELL. Mr. President, since this exchange of correspondence, there has been a most surprising and disturbing development which further indicates the constriction in the supply of this most basic commodity. In mid-April, just when the demands of the winter heating season were slackening off and when the pressure on the price for No. 2 fuel oil was beginning to recede, the major producers of the fuel announced an increase in the price. My office received dozens of messages of complaint from fuel dealers in Rhode Island and yesterday the Rhode Island congressional delegation met with a delegation of the dealers to review the causes of the problem.

The basic cause seems to be that there

are built-in economic pressures against the production of an adequate supply of fuel oil as long as the American market is forced to depend on American suppliers. The operation of these forces is simple and predictable: refineries are able to make more money producing high-priced fuels such as gasoline and jet fuel, and they therefore have less incentive to produce less lucrative products such as No. 2 fuel oil.

The solution, as the distributors in my State see it, is not to jetison the entire oil import control program but rather to permit selective, controlled importation of No. 2 fuel oil from Caribbean sources, where ample supplies are being produced at considerably lower prices. A thorough and detailed explanation of both the problem and the proposed solution has been presented to me in the form of a memorandum prepared by the Rhode Island fuel oil dealers and suppliers.

I ask unanimous consent that the memorandum may be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, at our meeting yesterday which was vigorously and ably chaired by my distinguished senior colleague, Senator PASTORE, the Rhode Island fuel dealers voiced clearly the viewpoint of an interest group which feels that its economic survival is threatened by bureaucratic regulation. I do hope that our efforts will bear fruit, particularly in view of Secretary Udall's encouraging letter of March 21.

EXHIBIT 1

MEMORANDUM: FUEL OIL SITUATION IN RHODE ISLAND

1. Last week the Humble Oil Company announced a major price increase for No. 2 fuel oil. Other major oil companies have followed by raising their own prices. The increase is expected to raise the retail price paid by home owners in Rhode Island by ½ cent per gallon, and will cost the people of Rhode Island at least $5 million per year in increased home heating bills.

2. Retail prices for No. 2 fuel oil in Providence have gone up steadily over the past few years:

[Cents per gallon]

1964	15.6
1965	15.8
1966	16.6
1967	17.0
1968 (estimated)	17.5

3. No. 2 fuel oil is a critical commodity in Rhode Island: 475 Fuel Oil dealers depend on supplies to support their business; 150,000 buildings, almost all homes, are heated by No. 2 oil; 77% of buildings with central heating use No. 2 oil; 250,000,000 gallons of No. 2 oil are consumed annually.

4. Action can be taken to stop the continuing price escalation. Price pressure has resulted from a simple economic fact: Home heating oil has been in chronic short supply over the past few years in the United States and this short supply has forced prices upward.

5. The major reason for this short supply is that not enough No. 2 oil is being produced in the United States, and very little can be imported from overseas sources.

Advanced refining facilities (employing the "hydrocracking process") are being installed at U.S. refineries at a rapid rate. The new facilities enable refiners to produce a larger percentage of high priced products such as gasoline and jet fuel from each barrel of crude oil; a lower percentage of products such as No. 2 oil is thus produced.

Demand for jet fuel is rising at a rate of 10% per year. Refiners understandably want to produce as much high priced product as possible. But it results in a smaller supply of product for home heating purposes.

By mid-1968, the capacity of East and Gulf Coast refineries (which supply New England) to convert No. 2 oil to other products will have increased to the point where they can convert up to 30% of No. 2 requirements to other products.

No. 2 oil is available from Caribbean sources at ⅓ *less* than current U.S. prices.

But no significant amount of No. 2 oil comes into the country under present regulations.

Under the Oil Import Program, imports of No. 2 oil are frozen at 1957 levels. The Program makes no allowances for increased need for No. 2 by the U.S. consumer. It makes no allowance for new importers to participate in the Program. It places independents and small dealers at a competitive disadvantage against the major oil refiners and their vast, integrated marketing organizations.

6. These conditions have resulted in chronic shortages of No. 2 oil.

Severe shortages have occurred in Rhode Island over the past two years. Several large suppliers, including major oil companies, ran completely out of No. 2 oil in Providence for several periods during March of 1967 and 1968—only last month.

Unless increased supplies are made available, supplies of No. 2 oil can be expected to be short in the coming winter.

7. The Solution: Selective, controlled importation of No. 2 fuel oil.

The price spiral can be reversed and critical shortage can be alleviated by a simple step; an amendment to the Oil Import Proclamation which would allow small amounts of No. 2 oil to be imported from Caribbean sources. The amendment should specify that allocations could be given to those with a demonstrated need, for No. 2 oil *only*.

This limited, controlled amendment to the Program would have the following effects:

ON NATIONAL SECURITY

The national security basis for the Oil Import Program would not be adversely affected. Oil would be brought in from the same defense area, the Caribbean, which supplies the major portion of residual oil and other petroleum products. No. 2 oil would be shipped by tanker, over protected routes, in the same manner as from Texas and Louisiana.

The national security would be strengthened by building up an assured hemispheric supply of heating oil and building up U.S. stocks in case of an emergency.

Heating oil is as essential to defense as gasoline and jet fuel.

ON THE DOMESTIC OIL INDUSTRY

Only small amounts of No. 2 oil would be imported. Less than 3% of total U.S. consumption of No. 2 would be supplied by such imports.

Imports would have almost no impact on U.S. Production. No. 2 oil imports needed to relieve shortage would represent *½% of 1% of total U.S. production of crude oil.*

Imports would have no impact on U.S. refineries. These refineries are producing at capacity now, and are not making enough No. 2 fuel oil.

The domestic oil industry is in excellent condition. Profits are at record highs. In contrast to a 5 percent drop in net income between 1966 and 1967 of all manufacturing industries in the United States, net income after taxes of the petroleum industry increased 10 percent.

The Chase Manhattan Bank reported that in 1966, the domestic rate of return on invested capital by U.S. oil companies was at the highest level in 15 years (12.3%); and that for the first time in 20 years, the return on invested capital for such companies was higher for its domestic operations than for foreign operations.

ON NEW ENGLAND AND RHODE ISLAND

More than 75% of homes in New England burn No. 2 oil. Consumers who pay the heating bills will be spared the effects of a continuing price spiral. Jobs will be preserved. Employees of oil suppliers, jobbers and terminal operators will be kept on the payroll.

Supplies will be kept at healthy levels during the coming heating season, sparing the area from a possible supply crisis.

Air pollution control efforts will be strengthened by increased supplies of low-sulfur No. 2 oil; since this product contains far less sulfur than other fuel oils that have been de-controlled, such as No. 4, No. 5 and No. 6 oil.

8. In order to arrest the price spiral, and restore competitive equity to fuel oil marketing, I propose that the following plan be adopted by the Department of the Interior:

(a) The current finished product quota of 76,000 b/d into Districts I–IV should be made available by the Secretary of the Interior solely for imports of No. 2 fuel oil. No. 2 oil is the only finished product now in critically short supply and projected to be short well into the future.

(b) The Secretary should distribute the quota among non-refiner controlled deepwater terminal operators on the East and Gulf coasts on a percentage of input basis as follows: (1) 15% for the first 10,000 b/d; (2) 10% for next 10,000 b/d; (3) 5% for next 15,000 b/d; (4) Nothing for inputs in excess of 35,000 b/d.

For the reasons outlined, it makes sense to devote the entire finished product quota to No. 2 oil, rather than to allow it to be used for gasoline and other products which are in abundant supply.

As the Oil Import Appeals Board recognized by granting 12 firms import license on February 27, 1968, on the grounds of exceptional hardship, the independent deepwater terminal operators have been hit especially hard by the No. 2 oil shortage. A short supply situation affects the independent deepwater terminal operator first and hardest, since refiners cut sales to independents first. This is natural.

Since independent terminal operators are suffering hardship, since No. 2 oil is in short supply, and since independent terminal operators can receive overseas shipments at their own docks, this small portion of the Oil Import Program should be allocated in this manner.

Independent deepwater terminal operators now receiving finished product allocations on a historical basis would, of course, be eligible to receive quota under this plan. Those who would lose quota under this plan are major refiners who already participate very substantially (as they should) in the crude portion of the program, which is much larger than the finished product program. Another major recipient of finished product quota, who would not participate under this plan is the Defense Department. But that Department should not, as a U.S. Government agency, be the recipient of commercial import allocations from another Government agency. If any U.S. Government agency needs to purchase petroleum products abroad, it should be able to do so directly and not as a part of any import program involving private commercial firms.

SENATOR MONRONEY SPEAKS BRILLIANTLY IN DALLAS ON LAW DAY

Mr. YARBOROUGH. Mr. President, on May 2 the distinguished Senator from Oklahoma [Mr. MONRONEY] addressed

the Research Fellows of the Southwestern Legal Foundation and the Dallas Bar Association at a meeting commemorating the 11th anniversary of Law Day, USA.

I regret that I was not present to hear Senator MONRONEY, but reports of his speech have come to me praising it as an outstanding evaluation of the meaning of law in our society today. It is all the more significant because MIKE MONRONEY is not a lawyer, although he has been a lawmaker for 30 years. But he certainly has a broad, comprehensive understanding of the significance and influence of law and lawful behavior in our world today.

I am highly pleased, as one inside the legal profession, to congratulate one outside the profession.

I ask unanimous consent that Senator MONRONEY's address and a letter which I have received from Mr. James D. Fellers of Oklahoma City dated May 8, 1968, be printed in the RECORD. I commend both Mr. Fellers' letter and Senator MONRONEY's great speech to attention of the Senate and the Nation.

There being no objection, the address and letter were ordered to be printed in the RECORD, as follows:

FELLERS, SNIDER, BAGGETT, BLANKENSHIP & BOSTON, ATTORNEYS AND COUNSELLORS AT LAW,
Oklahoma City, Okla., May 8, 1968.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: The senior Senator from Oklahoma recently addressed the Research Fellows of the Southwestern Legal Foundation and the Dallas Bar Association at a great meeting in your State. The occasion was May 2 on the observance of the 11th anniversary of Law Day U.S.A. and Senator A. S. Mike Monroney delivered a significant and challenging message which vividly illustrated that only a lawful society can build a better society.

Although interest and concern over law and order are of particular interest to those closely identified with the legal profession, many of those present from the five southwestern states expressed regret that more lawyers and laymen were not exposed to this comprehensive and timely address. As an Oklahoma Trustee to the Southwestern Legal Foundation, I am taking the liberty of sending you a copy of Senator Monroney's remarks which you might want to share with his colleagues of the Senate.

It is meaningful to Americans to have statesmen who are informed and knowledgeable on significant issues and problems that confront the Congress and our country. And certainly, it is an appropriate time for all citizens, not merely those directly involved with law and law enforcement, to recognize that we have a personal and not inconsiderable responsibility, and that all who believe in freedom under law should resolve anew to support and defend it.

Sincerely yours,

JAMES D. FELLERS.

ADDRESS OF U.S. SENATOR A. S. MIKE MONRONEY TO THE SOUTHWESTERN LEGAL FOUNDATION, MAY 2, 1968

I am greatly honored to address the Southwestern Legal Foundation on this eleventh anniversary of Law Day, USA.

Most of my colleagues in the Congress are lawyers, but to an old newspaperman, the labyrinth of words and phrases and whereases and provided-howevers characteristics of law is perplexing. I have a staff of lawyers working for me, and I am sometimes impressed, or puzzled, or irritated by the pains they take to read a simple sentence. "Well, lemme look it over, Senator," they often say. Sometimes I think, like Dickens, they are paid by the word: the more words they use the more money they make.

The oldest and greatest law known to man is ten short sentences, seven of them simple negatives, and most of our earthly problems, legal and nonlegal, arise from our failure to apply them.

The late Charles T. McCormick, perhaps Texas's greatest legal scholar, upon finishing a class discussion of a very involved Supreme Court decision, remarked to his students, "My, my, my—what a terrible waste to so much nice, clean white paper."

I am comforted by his humor, for the intricacies of law are a mystery to the nonlawyer. I got into law the easy way; not by studying in a law office or through the hallowed halls of the University of Oklahoma law school, but by putting my name on the ballot and getting elected to Congress. I have been reading law ever since.

I do not claim to qualify as a legal scholar, but I do understand the meaning of law in our society, and that is what I emphasize today.

We are gathered together to pay homage to principles of behavior which bind mankind and permit the construction and maintenance of a peaceful social state. We have come to recognize that if law prevails, man will be able to achieve social progress, scientific advance, and spiritual development.

Ten years ago, President Eisenhower proclaimed May Day as Law Day, U.S.A. Since then, the recognition of law as a means of both domestic and international harmony has grown. The World Peace Through Law movement has made advancement. It is singularly appropriate that in the Communist countries yesterday, parades of military might—tanks, guns, soldiers and other weapons of destruction—were paraded; while in the United States, ceremonies such as this meeting of the Southwestern Legal Foundation celebrated the meaning of the rule of law on this 2000-year-old holiday.

All the efforts of our civilization, from the law of Hammurabi to the Charter of the United Nations, have been designed to achieve social order.

Law is a social compact to protect and preserve life and property, by which men agree to refrain from antisocial conduct and to support and defend a government which is empowered to enforce the law. In its broadest form it is a constitution which sets out basic principles of government with a few specifics and a few directives. The magnificence of our own constitution stems in part from its general directive. It has lasted 180 years with only 24 amendments, only a very few of which altered or attempted to alter the basic concepts of American thinking.

If law is to govern effectively, it must reflect the society it governs.

The failure of law to do this cultivates dissent. The failure of law to respond to the needs of those governed results first in the disavowal of the law and finally in efforts to overthrow the law.

The American Revolution is a glorious event in our past, but from the viewpoint of law it climaxed a historic failure; for it resulted from the failure of the Government to govern properly.

When people lose faith in the government, they withdraw from the compact which law establishes and take upon themselves powers which in our world today cannot be assumed by individuals unless society is injured. It is a reversion to stone age civilization. It is a failure of our whole society. The irresponsible looter who throws a Molotov cocktail and the housewife who keeps a pistol in the cupboard have one thing in common: they express their loss of faith in the ability of the Government to govern.

Montesquieu said, "The deterioration of government begins with the decay of the principles on which it was founded." The principles of American government upon which this nation was founded are those enunciated in the Declaration of Independence and the Constitution. When we violate the law, we are deserting those principles. What happened in Watts and Newark and Detroit and Washington was a tragic failure of our people to live up to our principles.

For although no responsible citizen can condone or even permit any form of violence or civil disobedience, it is the responsibility of the Government to assure justice and prevent civil disobedience. There is an old saying among historians that the origins of war can be found in the peace treaty of the previous war. By abridging the rights of any we create problems of the future. Violation of law is by its very nature untenable in a lawful society. It is the right and duty of the Government to forbid antisocial behavior. But what is the alternative to antisocial behavior when laws themselves are corrupt? The answer to this question must lie in the ability and willingness of those who govern to do so wisely, and in the recognition by us all that my freedom ends where your nose begins.

The problems facing our civilization today are for the most part the result of our failure to reckon with problems of the past. Unfortunately, problems are Malthusian: they multiply geometrically and are soon completely out of hand. Often, our best efforts to resolve them are rejected or met with indifference. In the past four years, Congress has enacted three major civil rights statutes to extend to Negroes and other nonwhite minority citizens rights and privileges previously denied them. And yet there is rioting in our streets.

The crisis of white against black results not from our efforts to solve the problems, but from neglect for a hundred years before now, from the failure of law and government to answer effectively the question of the place of the Negro in American society.

Our gold drain and balance of payments problems result from complacent and unrealistic fiscal policies developed in the decade following the Second World War, when America had most of the gold in the world stored in Fort Knox.

Sometimes it is a heavy burden to ask of mortal man to grasp and resolve these problems, but it must be done. The felony is compounded, as you lawyers would say, if we continue to defer payment on the debt society owes. For we owe ourselves a just and lawful place to live. DeFoe said, "Justice is the end of Government." But in practice, out of the textbooks, it has not always worked out that way.

I believe that law must derive from justice in order to create social order, and that the corruption of law abandons justice and leads to social disorder. The history of man is filled with examples.

Law and order will triumph if law is just, not if soldiers fill the streets. We cannot expect to serve the purposes of Almighty God unless we are dedicated individually and collectively to that proposition.

There are loud voices in our land saying that law and order are breaking down, that force must meet force, and that irresponsible, lawless people are spoiling the fruits of American life. That is so. It is a national tragedy. We are deluged with problems. We are fighting a most difficult war against lawless Communist force in southeast Asia; we face fiscal problems that erode our dollar and weaken our monetary strength internationally; we are quarreling violently in our cities. National efforts to solve these problems are met with hostility, indifference, lack of money, administrative failures, and public misunderstanding.

All Americans are gravely concerned about

the state of our nation and our civilization. The news is gloomy. It is pertinent to ask, then, what is the situation? How do we stand compared to those golden days of the past we look back upon?

How far have we come? How much have we achieved? Are we closer today to the realization of an orderly society? Or, will Communism and chaos overwhelm freedom and order?

Eleven years ago, in October 1957, the Soviet Union startled the world by launching the first Sputnik. National programs sponsored and financed by the Federal Government for the advancement of education and technology were in an embryonic state. Sputnik changed our national viewpoint. Not long after the launching of that first satellite, Robert Hutchins, President of the University of Chicago, in answer to a reporter's question of "What will we do about Sputnik," said, in essence "nothing." He believed that the America of the 1950's was a complacent society little interested in mustering the resolve to attack great national problems. There was much evidence at that time to support his viewpoint. But I am greatly encouraged by our nation's response in the last ten years.

Consider any aspect of our nation's life. The only battleground in the world for active military conflict is Vietnam. There is no other engagement between the military forces of the free world and communism. Our allies in Europe, and even those who do not wish us well, are living in economic and social prosperity that did not exist ten years ago and was not dreamed of 20 years ago. It is the direct result of American foreign policy—UNRRA, the Marshall Plan, NATO, and other international assistance which we have given to maintain a free Europe—probably the most successful peaceful foreign policy in the history of man.

Our allies in Southeast Asia recognize and appreciate the value of our American contribution to the establishment of a just and lasting peace in Vietnam. To those across the Pacific who live within the shadow of Communist aggression, the helping hand of the United States is viewed far differently than it is by those in this country—to some of whom Hitler is a name out of a book—which they probably haven't read. There is hope that our firearms and sacrifice in this trial will convince our adversaries of our intention to preserve peace and order.

Internationally, the United Nations, with our constant support, has achieved respect and status unparalleled in history. Ten years ago, a most popular slogan in this country was "Get the U.S. out of the U.N., and get the U.N. out of the U.S." The United Nations, which in 1945 was a Western-oriented institution of 51 nations, has now more than twice that number, half of its seats being held by the nations of Africa and Asia. It has had notable achievements, distinguished by the outstanding leadership of Dag Hammarskjold and U Thant. In Korea, it successfully met open full-scale aggression. In the Middle East, Kashmir and Cypress, it has kept smoldering conflicts under control. In the Congo, it prevented a new-born nation from being torn apart, recolonized, or turned into a great-power battleground in the heart of Africa. It has contributed to the settlement of, or at least the diffusing of the most dangerous problems of the cold war, the Berlin blockade, the Cuban missile crisis, and nuclear weapon testing.

Without its independence and international stature, I shudder to think what could have happened in these past ten years.

Domestically, we are perplexed by difficult social and economic problems.

Our people are divided on basic national issues. A portion of our youth seems dedicated to a withdrawal from society, to drop out from participation in life itself. Dean Griswold recently remarked:

"Perhaps I am not perceptive enough to discern the latent wisdom and goals of movement that seek the elevation of dirty words on campus or that exalt the virtues of flower power or that conduct a strip-in in a public park. The message, if there is one, escapes me."

To those of us born into the world before 1914, who came into maturity in the Depression, who remember as yesterday Pearl Harbor and Salerno, it is difficult in the extreme to understand the thinking of some young people today.

But if it is our sad plight to govern society when a portion of society expresses no interest in being governed, it is also our challenge to fulfill the promise of American life and to convey to those who come after us a lasting understanding of what this country is, of what liberty means, and of how it can be defended.

Eleven years ago when Sputnik went up, Congress and the President had already pledged themselves to a major program of economy in government and a great reduction in Federal expenditures. Today a major aim of the 90th Congress and the President is to reduce Federal expenditures. And yet look at the difference between expenditure reduction today and a decade ago. For today it is accepted that the reduction of cost in the Government does not mean the abolition of vital social programs which will, in the last analysis, provide the means for victory over the ancient enemies of man—cold, hunger and disease.

In the past four years, 55 different programs have been created by statute to improve the opportunities of all Americans. The Elementary and Secondary Education Act, the Manpower Training and Development Act, the Juvenile Delinquency and Youth Offences Control Act, the Water Resources Planning Act, the Water Quality Act, the Clean Air Act, the Student Loan Insurance Act, the Higher Education Act, the Highway Safety Act, the Demonstration Cities and Metropolitan Development Act, the Vocational Rehabilitation Amendments, and medical care insurance under Social Security.

These are just a few of the many programs that have been enacted to improve the quality of American life for all.

In the field of law, we have used the statutory process to improve our society, but the administration of law has not kept pace with these changes. Too often the impact of new programs is not felt because of red tape and ancient ways which hinder the proper administration of justice. Our courts, both civil and criminal, are jammed. Prisoners literally rot in jail waiting for trial. Dockets on the civil side are long, requiring months and sometimes years before a suit can come to trial. Judge Learned Hand's fear of winding up in a law suit is more justified today than when he uttered the famous statement.

We must not permit our legal institutions to live in horse-and-buggy days. We must not reinstitute a labyrinth such as the common law pleadings with a new system that is equally difficult. The intricacies of a *Dorrance* decision may make good reading for the student in conflict of laws, but it does little to simplify the administration of estates or any other aspect of law in our society. Fifty sets of laws and rules and practices makes a maze for the public to deal with, and antiquates our legal system.

There is an old story, a Texas story by the way, of the El Paso lawyer who practiced for 40 years, until Texas adopted the uniform rules of civil procedure. He then sent his license back to the State Bar with a note saying, "You just repealed all the law I ever knew."

It makes for a good story; but what Texas did was to abolish an unprofitable and indefensible system of legal delay and replace it with a modern system of procedure.

The adoption of uniform, or reasonably uniform, statutes continues in that direction. The leadership of the American Law Institute, the American Bar Association, and this Southwestern Legal Foundation is a significant contribution. But I recommend that you take heed—delay and confusion and indifference to changes in our legal system will but hasten the day when the Federal Government will be forced to step in and enact such changes by law. There is a new word coming in our vocabularly—judi-care.

Our legislatures suffer similar disabilities, and probably worse. I have no pride in stating that our state and national legislatures are sometimes pitifully equipped to do their job. We have a budget approaching 200 billion dollars—let that figure soak in—in our Federal Government, and when it comes to Congress in the form of appropriation bills and proposed authorizing legislation, it is split into dozens of pieces and scattered to various committees, few of which are aware of or able to learn of the activities of others. We do not have a single computer in service in the Congress. I don't know of any in state legislatures, including New York or California, which resemble our Federal Government in programs and responsibilities, as well as large appropriations.

I have been an advocate of legislative modernization for 30 years. I had the honor and pleasure to co-sponsor with the late Bob La Follette, Jr., the Congressional Organization Act of 1946, the only reorganization bill ever enacted by Congress. I sponsored another bill in 1967 which has passed the Senate and I hope will be enacted before adjournment. I know first hand that the road to modernization is long and rocky. I was on my feet for seven weeks defending a reorganization bill last winter before my colleagues in the Senate, some of whom were not deeply interested in some of our recommendations for change.

But change is necessary; it is vital. It makes government and law work. We must never flag in our efforts towards a better government, a better legal institution, and a better society.

The practices of the past which are no longer useful have no place in the legislative hallways or the court house, or the law offices of the present and the future. They grow cobwebs. Government and law cannot respond effectively to the needs of society if they are encumbered by outdated methods. Much work remains to be done.

Eleven years ago we had no Sputnik of our own. Today we have the most advanced program for the exploration of outerspace in the free world. It is only the secrecy shrouding the Soviet Union that keeps us from ascertaining whether we are ahead of the Russian space effort.

Eleven years ago we were just starting to build a nationwide network of 41,000 miles of superhighways to increase the mobility of the American people and the productivity of American transportation. Today we are close to the finish of that great project.

Recent developments in aviation—new super-sonic and jumbo jets—will bring South America and Europe to our shores and Australia just hours away. Much of this development has been made possible through Federal research programs.

We have developed drugs and vaccines that were unknown to science a decade ago for the cure and prevention of polio, measles, and other diseases that have plagued man throughout history. We have learned to reproduce in artificial form vital organs of the body. We are just entering the field of heart and other vital organ transplantation, which is an exciting and miraculous field of medicine.

We have continued to feed the free world with our bounty of wheat and other farm products.

Now we are planning the exploration of the ocean's depths, where natural foods and resources abound in quantity and quality far

exceeding the bounty we discovered and utilized and sometimes cruelly wasted on the face of the globe. The role of the lawyer in this vast new field of international relations and exploration will be as important to its successful and peaceful development as the role of the scientist in making it possible.

And so, as President Kennedy remarked in December, 1962, the American people have much to be proud of in the twenty years since the last war. Our achievements have come through cooperation with our friends and restraint with our adversaries. Through law, we have much to look forward to.

When I looked out my office window recently and saw fires blazing in Washington, I was heartsick and frustrated by the senseless destruction and the ravages of irresponsible plunderers. The cry has gone out, "get out your gun." The sale of firearms, nationally, is at an all time high. Yet, you who are lawyers, who spend your lives resolving human conflicts of law—whether it is a sentence in a contract or the arraignment of a killer—recognize the absolute necessity to resolve our problems with reliance upon law, order, and justice.

If we fail to adhere to our principles of our American constitution—"To form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity," then we are rejecting the compact between the citizen and the government that has existed since 1789. We cannot permit that failure of law. We cannot surrender such a triumph to lawlessness and anarchy.

"Let them eat cake" must never become an American expression.

I have no patent solution to the problems America faces today. But I am willing to accept the challenge to find answers. I believe that reasonable men can work together to overcome the great difficulties, both foreign and domestic, that face us.

We have lived through many crises in this country and we have become the great free nation on earth.

We are a free people. We maintain a responsible and responsive Government. We have successfully opposed tyranny and aggression in every instance since the nation was born.

I look forward with hope and energy to the day when the problems which perplex us today will be resolved. I am confident that that day shall come, and I am equally confident that when it comes there will be new problems and a new generation of Americans to resolve them.

The wisdom of Thomas Jefferson is as meaningful to us today as it was two centuries ago: Eternal vigilance is the price of liberty. I would have it no other way.

A ROLE FOR THE "NEW GENERATION" IN TODAY'S SOCIETY

Mr. McINTYRE. Mr. President, the presidential campaign of the distinguished Senator from Minnesota, EUGENE MCCARTHY, has caused many to reconsider their attitude toward the youth of today.

A group that was once called the "dropout generation," has proven itself to be just the opposite—a group of dedicated, interested, and vigorous participants in American society.

One cannot help being impressed by the thousands of young men and women who have given their time and energy to the distinguished Senator's campaign. Tireless workers and bright, intelligent political practitioners, they have proved to us all and to themselves that there is a role for young people in today's society.

Too much attention has been given to the small minority of college students who have caused the much-publicized disturbances on our college campuses. These irresponsible youths do not represent the young people of today. Much more attention should be given to the spirited young people who have dedicated themselves to making our great Nation even greater and who have devoted their energies to working on behalf of candidates they respect and admire. These people represent the youth of today, and they represent them well.

This new generation of young men and women has given new hope and new inspiration to all of us. Whatever success they may or may not have, they will nevertheless serve as a proud example of what America's youth can do when they put their hearts and minds to work to help make our Nation a better place to live.

Mr. President, David Broder, in a column published in yesterday's Washington Post, has written movingly and effectively about this "new generation." I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCCARTHY CHALLENGE ATTRACTS A NEW GENERATION TO POLITICS

(By David S. Broder)

OMAHA, NEBR.—It was Sunday morning in the abandoned auto showroom that is the McCarthy For President headquarters in Omaha, and the volunteer "shape-up" was taking place.

A young man with a bullhorn was standing in the middle of the vast floor. A canvass captain would hand him a slip of paper and he would sound off:

"I need five volunteers for Ward Four—five for Ward Four."

In groups of two or five or ten, scattered around the floor, the college kids from Iowa and Illinois and Texas and Missouri were waiting, sleep still in their eyes. The Saturday night party had been a good one, and they looked somewhat the worse for wear. But there was little delay in filling the canvass quotas. They would stand, stretch and come forward to receive their instructions.

One's mind went back, and one remembered similar scenes. These same kids or their brothers and sisters had come to Manchester, to Milwaukee, to Indianapolis and now to Omaha, bringing their bedrolls and battered suitcases with them to spend their weekend working for McCarthy. One knew, with certainty, that whatever the results in Nebraska today, they will be coming again, by bus and by car, to work in the Oregon, California and South Dakota primaries.

This is the great thing McCarthy has done. He has involved a whole new generation in politics—and what marvelous young people they are. As he prophesied his challenge to President Johnson channeled at least some of the energy and the idealism of the campus protesters into legitimate channels of politics.

In a sense McCarthy's own fate has now become irrelevant. The student workers think they have accomplished their major goals of denying President Johnson renomination and forcing a start of peace talks on Vietnam. No one can prove them wrong.

If they fail to win their third objective, McCarthy's nomination, they seem realistic enough to accept that.

The whole history of our political era shows that efforts which fall short—or even fail utterly—of their objective nonetheless can leave behind the seeds of future triumphs.

The Democratic Party for a decade lived off the ideas that were generated, the enthusiasms that were kindled and the talent that was brought into politics in the Adlai Stevenson campaign of 1952.

Similarly, many of the young Goldwater enthusiasts of 1964 undoubtedly will emerge as Republican leaders of the 1970's.

But perhaps the most pertinent parallel to the McCarthy movement—for those of us who can remember that far back—was the struggle on the college campuses, centering on the American Veterans Committee (AVC), immediately after World War II. A generation of idealistic GIs found themselves locked in battle with the Communist cadres for control of the AVC. So bloody was the strife before the non-Communist liberals won that the organization itself was in ruins. AVC failed, but the survivors have a lesson in politics of immense value, and many of them have gone on to prominence in both parties.

I think it is predictable that the McCarthy movement will yield greater future dividends than either AVC or the Stevenson campaign. The AVC fight taught chiefly the tactics of parliamentary maneuver and the caucus and convention strategy. Its most distinguished alumni—men like Rep. Richard Bolling of Missouri, the liberal Democratic strongman of the House Rules Committee, and F. Clifton White, the conservative Republican who organized Goldwater's nomination.

The Stevenson campaign veterans—men like Arthur Schlesinger Jr. and Willard Wirtz and John Gilligan and George Ball—practice the politics of aristocratic eloquence that reflects the man who was its source. But the Stevenson campaign experience was also a limited one. Its precinct work, for example, was confined largely to white middle and upper class areas, and in states like California, where the Stevenson heirs are still in control of the Democratic Party, this weakness shows up.

The McCarthy campaign has been in inclusive political curriculum. Its leader has set a Stevensonian example of eloquence, and his rapport with the intellectuals and upper-class whites of both parties is exceptional.

But his disciples have also had lessons in convention in-fighting from their bruising (and mostly losing) battles in Minnesota, Iowa and other states. And their canvassing has taken them, unlike their predecessors in the Stevension movement, into all parts of America—farms and ghettos, suburbs and city apartments.

You cannot talk to the McCarthy volunteers without knowing that as they have been explaining McCarthy, they have also been discovering America.

That is why, whatever his own fate this year, McCarthy was right when he told the University of Nebraska students Sunday, "What has happened in our campaign will not be a footnote in history but a part of the main text."

THE LATE HONORABLE LOUIS GARY CLEMENTE

Mr. PASTORE. Mr. President, a precious memory is born and a precious privilege passes with word of the death of the Honorable Louis Gary Clemente, distinguished American, dedicated humanitarian, dear personal friend.

The precious privilege we have lost is the pleasure of his visits to Washington out of the pressures of his busy life—a return to the scenes of his congressional days—and to the circle of friendship that remained unbroken.

The day was made a little brighter by the sunshine of his eternal good nature—a luncheon would be a little lovelier for latest news of his big and beloved family—life was a little more worth while for this good man's interest in good causes, for Gary was the good neighbor personified.

Student of the law, lawmaker, and practitioner of the law, we urged him to accept service on the bench and held him worthy of its highest honors.

The precious memory that is born with the passing of Gary Clemente is one we must share with a long list of community causes that profited from his work and his wisdom.

He had served his country in uniform as well as in high office as his devotion was as varied as banks and Boy Scouts—from impressive world fairs to the plight of the individual who could be helped by a favorite work of Gary's, the Ferini League of the Catholic Charities.

Homes of refuge and hospitals of his heart held the affection of this man of family—an affection sweet enough to see the whole world as his family. This took not one whit away from his father's love for the nine children of his own hearth and for his dear wife, Ruth, from whom only death could part him.

Welcome at the White House—welcome in the humblest home—Gary Clemente was welcome everywhere. He had rare gifts of character, competence, compassion and commonsense that made him an inspiration to us who relaxed in his good humor, revered him for his humanity, and rejoiced in the honors paid him by Nation and by neighbors.

One dares to express here sentiments that would have embarrassed Gary in person, but now may be spoken with sincerity for his truly noble soul.

Gary Clemente has indeed left a precious heritage of nobility to his dear ones and out of our hearts goes our deepest sympathy to them in their great loss.

PROTECTION OF GLEN ECHO AMUSEMENT PARK FROM EXTENSIVE COMMERCIAL DEVELOPMENT

Mr. BREWSTER. Mr. President, for 2 years I have been working with concerned public officials and private citizens in Montgomery County, Md., to protect the Glen Echo Amusement Park property from extensive commercial development.

This property lies adjacent to the Chesapeake & Ohio Canal and the Potomac River. It is in an area rich in history and beauty. It is property that should be preserved for the benefit of the public for enjoyment as a public park.

The owners of the property and the officials of government on the Federal, State, and local levels accepted some time ago my proposition that a "swap" be arranged so that this piece of land could be exchanged for another piece of surplus Federal property elsewhere. Such an arrangement would satisfy the owners and would assure the protection of the Glen Echo property by placing it under public ownership.

The National Capital Planning Commission recently took a major step to bring about such an arrangement. It is highly pleasing to me to note that the original idea now is progressing toward becoming a reality. It also is pleasing to note the acceptance of the community, as expressed by an editorial published in the Washington Evening Star of May 14. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SAVING GLEN ECHO

There is a two-fold value in the new effort launched by the National Capital Planning Commission to prevent the Glen Echo Amusement Park property from passing into a different commercial use. The threatened new use is an apartment complex which would deal a severe blow to the federal government's program to protect the Potomac shore. The second regrettable loss would of course be the passing of the amusement park itself.

Under the involved transaction now set in motion, the Interior Department will attempt to acquire title to the 17-acre site through a trade of surplus federal land of comparable value somewhere else to the present owners of the amusement park. If such a swap can be arranged Interior in turn might well lease the Glen Echo property to Montgomery County for its further development and operation as a recreational facility which is sorely needed by the community.

The key to the plan's initiation was a decision as to whether the acquisition of the park tract, adjoining the George Washington Memorial Parkway, served a legitimate federal purpose. It seems to us there is no room for argument on that score. The public purpose to be served is entirely valid, and we trust that the project is diligently pursued by each of the several parties who must cooperate to bring it about.

M–16 CONTRACTS

Mr. NELSON. Mr. President, during the past several weeks, the distinguished Senator from South Dakota [Mr. MCGOVERN] made some interesting comments about the Department of Defense on rifle procurement, with particular reference to the M–16.

In his initial statement he noted that the announcement of awards of contracts for second source procurement of the M–16 was made just 2 days after we completed consideration of a military authorization bill. The announcement indicated that General Motors and Harrington & Richardson were to produce 240,000 rifles each, yet their prices differed by $13 million. Senator MCGOVERN noted that this disclosure raised questions about the Defense Department's handling of tax money.

Subsequently, Senator MCGOVERN learned that a still lower bid, from Maremont Corp., of Maine, was completely passed over. It was fully $19 million below the General Motors contract, and thus far the Pentagon has not explained its reasons for rejection.

South Dakota's largest newspaper, the Sioux Falls Argus Leader, recently editorialized that Senator MCGOVERN's questions are pertinent.

These questions are immensely significant for reasons of security, and I hope the investigations currently underway by the appropriate Senate and House subcommittees will examine this aspect of the issue in some depth.

The issues Senator MCGOVERN has raised are pertinent from the standpoint of economy. The Defense Department's expenditure should be scrutinized as closely as are the M–16 contracts and any other procurement contracts, and should be discussed thoroughly in committees and on the Senate floor.

I ask unanimous consent that the Sioux Falls Argus Leader editorial, entitled "Pertinent Questions Raised by Senator MCGOVERN," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (Wis.) Argus Leader, May 10, 1968]

PERTINENT QUESTIONS BY SENATOR MCGOVERN

The Pentagon should heed the criticism South Dakota's Sen. George McGovern made of new contracts for additional production of the M16 rifle.

McGovern pointed out that during the first year of new contracts awarded to push production of the rifle, the government will, when cost of acquiring proprietary rights is added, be laying out an average of $321.25 per rifle. This compares to $104 per unit paid to Colt Industries under previous contracts.

He questioned the situation under which the Massachusetts firm of Harrington and Richardson got a contract for 60,000 rifles for $15 million while a General Motors plant in Michigan was paid $19 million for an equal number of rifles.

McGovern asks, "Why was it necessary to pay a premium to General Motors?" McGovern says the Pentagon's handling of rifle procurement leads to the question of its ability to handle the taxpayers' money wisely.

The Army cited differences in wage scales between Detroit and Worcester, Mass. Average weekly pay for a manufacturing employe in Detroit in February was $167.74; the figure for Worcester was $118.89. Costs also include expenses for tooling up.

McGovern's questions are pertinent. Procurement of a needed weapon in a hurry costs more money than when the purchase is anticipated. Such a situation calls for awareness by the Pentagon and Congress to protect the taxpayer and at the same time get the GI what he needs.

CUBAN INDEPENDENCE DAY

Mr. SMATHERS. Mr. President, for more than 9 years I have spoken on the anniversary of Cuban Independence Day concerning the subjection of the Cuban people and the perversion of the dream of liberty by Fidel Castro.

The anniversary of Cuban independence, which falls on May 20, has traditionally been for Cuban people a time of rededication to the ideals of Jose Marti. Yet, for nearly a decade, Castro has clamped over the homeland of this great liberator the dead hand of communism.

Fidel Castro, invoking the name of the people as tyrants always do, has made stateless exiles of many of Cuba's citizens. He has racked the once-productive economy of his native island; he has opened Cuba as a haven to all manner of revolutionaries and assorted apostles of hate; but most of all, he has destroyed free expression.

Mr. President, this is the concluding year of my Senate term, and I will not

have the opportunity to address my colleagues on the subject of Cuba on the next anniversary of independence.

Suffice it to say that our hope of developing a new era of good feeling, prosperity, and freedom from the Caribbean throughout Latin America cannot succeed until that time when the thorn of Castroism is removed.

The despots must be removed from Cuba and from every other area in Latin America where they attempt to gain a foothold, for we know that wherever they seize power it is not long before the light of freedom is extinguished.

Cuba should thus be an object lesson for all of us. I once described the situation in Cuba as "an evil on our doorstep." That evil remains.

Clearly, this evil must one day be purged—if we are to resume the march toward progress that the late John F. Kennedy envisioned for all Latin America.

I hope that the United States will continue to work with all the means at its disposal within the framework of the Organization of American States to end the Castro tyranny over Cuba.

I hope that we will, on a day not too far distant, see the Cuban exiles return to their homeland from their temporary sanctuary in our country, in order to rebuild a better society in their own land, for themselves and their children.

Mr. President, it is my sincere hope that on this May 20 anniversary, the Cuban people will—after much suffering—mark the turning point that will signal the return of their homeland and the carrying forward of the vision of peace and liberty which the poet Marti expounded.

Justice demands this. Let us pray that history will answer.

SENATOR ELLENDER'S ADDRESS AT HONOR AWARDS CEREMONY OF THE DEPARTMENT OF AGRICULTURE

Mr. ELLENDER. Mr. President, on Tuesday, May 14, it was my privilege to take part in a ceremony honoring employees of the U.S. Department of Agriculture who have rendered distinguished and superior service to the Department and to the Nation. This was the 22d annual awards ceremony to be held by the Department.

It was my further privilege to deliver the principal address on this occasion. In my remarks, as chairman of the Senate Committee on Agriculture and Forestry, I complimented the employees on their conduct of the Department's business and on their devotion to duty, with which I am well acquainted.

I also pointed out that, over the years, Congress has given the Agriculture Department more and more duties not primarily related to assisting our farmers. Most of its activity today is directed to services on behalf of the consumer and other segments of the general public, including citizens living in urban areas. With all its increased activity, the Department has remained true to the words of Lincoln, who called it the agency of Government in which "the people feel more directly concerned than in any other."

Most of the Department's growth and increased responsibility has taken place in the years since 1937, when I first came to Washington and became a member of the Committee on Agriculture and Forestry. The country has changed tremendously since then, and American agriculture and rural life have changed with it. I have been a part of all these changes and have had the pleasure of seeing many dreams of a better life for our rural people realized.

I attempted to reflect my own experiences and the successes of the Department of Agriculture in the remarks I prepared for delivery, and hope that I succeeded. I ask unanimous consent that the text of my May 14 address at the honor awards ceremony of the U.S. Department of Agriculture be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS DELIVERED BY SENATOR ALLEN J. ELLENDER AT THE HONOR AWARDS CEREMONY OF THE U.S. DEPARTMENT OF AGRICULTURE, MAY 14, 1968, AT THE SYLVAN THEATER, WASHINGTON, D.C.

On the outer cover of a short pamphlet, which describes the rise of one of our industrial giants, appears the following quotation:

"Ideals are like stars; you will not succeed in touching them with your hands, but like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny."

Beginning in a small basement workshop, this man became the world's largest manufacturer of welding equipment. His enthusiasm for his work knew no bounds. He never grew tired of his work because he found joy and pleasure in planning and pursuing it.

Each of you being honored here today, chose to work in the Department of Agriculture. Because of your skill, your devotion to duty, your willingness to work beyond the call of duty, you are being honored today. You have helped to create many services for the people of our country. You may not have earned the tangible riches of the welding manufacturer, but by pursuing your ideals, you have helped to create the greatest instrumentality in our government—the U.S.D.A.—for the production and distribution of our very life blood, Food and Fibre.

Agricultural legislation in this country has a long history. It actually began in 1839 when Congress appropriated the munificent sum of one thousand dollars to enable the Patent Office to distribute seeds, conduct investigations, and collect statistics.

In 1852, a few thousand dollars were appropriated to carry on experiments in the growing of tea and sorghum and those experiments were carried on not very far from where I stand.

In 1862, Congress created the Department of Agriculture, and provided for State Land Grant Colleges of Agriculture.

I shall skip details from that period to January of 1936, and merely state that Congress provided farmers with additional opportunities, with access to science, research, credit, and the means of utilizing technological advances, so that they could be in a position to compete successfully with other segments of our American economy.

In other words, Congress sought to provide farmers with the tools to help themselves.

In January 1936, I was selected as the Democratic nominee for the United States Senate for Louisiana and by coincidence the Supreme Court of the United States declared the first direct price support operation unconstitutional.

Unless that decision was reversed, and it was not, Congress had to start enacting a new law to provide support prices for farmers.

I was elected to the Senate in November 1936 and in January 1937, I was sworn in. After quite a lot of maneuvering, I obtained a berth on the Senate Committee on Agriculture and Forestry. I am still there and I have been serving as Chairman longer than any Senator in history.

One of my first duties as a member of the Committee was an assignment to a Special Senate Subcommittee. At the request of the late President, Franklin D. Roosevelt, the Subcommittee held grassroots hearings in all the major farm areas of our country. On the basis of those hearings the Agricultural Adjustment Act of 1938 was enacted—a measure which still stands as the basis of our present farm price support programs.

When the 1938 Act was approved by the Congress, many of you were not yet born. Many others were too young really to know what was transpiring during that decade of the thirties.

But I was not too young. I know what it was like then. And I have not forgotten.

It was a time of trial and travail, a time of testing. The early part of the decade, in particular, was a period of poverty and insecurity and lack of jobs in town and country alike.

Only about half of the farmers of this nation owned the land they worked on. And they sold the products of their toil for next to nothing—nickel cotton, dime corn, and two-bit wheat. It was literally more economical in some instances to burn corn for fuel than to take it to market.

It was a time of growing debt—a time of crisis for millions of people whose lifetime savings quickly melted away.

It was a time of desperation—a time when farm people gathered with shotguns to stop foreclosure sales—a time when they threatened to tar and feather judges and officers of the courts who were proceeding with foreclosures and evictions.

It was a time when the houses of our farm and rural people lived in were very cold in the winter, and very hot in the summer, and dark at night.

When I came to Washington only one farm out of nine in the nation had electricity. In my home State of Louisiana the proportion was less than one out of fifty, and I am glad to state that the first cooperative for the distribution of electricity was formed a short distance from where I live.

What a change has come about since then. Today 99 per cent of all farms in the nation and in Louisiana are electrified.

In 1940 only 3 per cent of all the farms in my State had telephones. Today three out of four have telephones. In the nation as a whole over 80 per cent of the farms have telephones—and most of them have modern dial service.

When I came to Washington the term "dust bowl" was a grim reality. I can well remember when the skies over Louisiana were so filled with dust coming from the midwest that the sun could hardly be seen. You could have looked high and low all over the United States and never found a Soil Conservation District. The first one was established that year—in 1937. Today there are over 3,000 conservation districts and they contain more than 95 per cent of the nation's farmland.

When I came to Washington there was no nationwide Federal agency to provide supervised credit to farm people unable to get funds from commercial sources. Last year alone more than 3.2 million farm and rural people benefited from almost $5 billion in FHA credit. This credit has been advanced to support family farms, to build and improve rural housing, to provide modern water and disposal facilities for thousands of com-

munities, and to enable low-income farmers and rural people to start new business enterprises.

When I first came to Washington there was no Food for Peace or Food for Freedom Programs. Modern research achievements—such as wiping out the screwworm population by using radiation to sterilize the male flies—were years in the future. So were wash-and-wear cottons, shrink-proof woolens, penicillin, dextran, and dozens of other advances developed by agricultural researchers.

In these 30-odd years we have seen our farms and homes electrified, our nights made bright, our soil and water conserved, our forests replanted, our farms rebuilt.

We have seen U.S. agriculture become the number one instrument in the war on world hunger. We have seen agricultural experts teaching people all over the free world the know-how of a more productive agriculture.

And we are now witnessing a great rural revival taking place here in America stimulated by many thousands of volunteer leaders all over the land. New economic, social, and cultural opportunities are being opened in rural America. Today there is real hope that we can eventually restore rural-urban balance to this Nation.

Because I have had some part in helping bring about these changes of the past three decades, I cannot help indulging in a certain feeling of pride.

I am proud to have helped promote rural electrification and soil conservation, and to have had a part in establishing the School Milk Program, the Food Stamp Program, and the Food for Peace and Food for Freedom Programs.

I am proud to be known as the co-author of the School Lunch Act, along with Senator Richard Russell of Georgia.

Of all the agricultural legislation with which I have been associated, however, I can think of no single measure which is more vital to our farm people than the Food and Agriculture Act of 1965. This is truly legislation for a new era of balanced and sustained abundance.

But I say to you—and everybody in the Congress recognizes this fact—that none of these programs would be worth anything at all if it were not for the dedication with which you of the USDA administer them, explain them, and carry them out.

Over the years we in the Congress have constantly given the Department of Agriculture more and more responsibility. Do you think it is by chance that your great Department provides more categories of services to the general public than any other agency of government?

Do you think it is by chance that we have so greatly expanded the work of the Farmers Home Administration, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the Agricultural Research Service, the Extension Service, and other USDA agencies?

Do you think it is by chance that the USDA devotes more than two-thirds of its appropriations and more than 90 percent of its man-hours to programs and services which are not primarily farmer-oriented but are rather directed to the welfare of consumers and the general public?

No, it is not by chance, but by design.

Let me tell you why we come back again and again to the Department of Agriculture when we desire to get something done for the people.

It is because you started out in 1862 as the "people's department." This was the agency in which, as President Lincoln said, "the people feel more directly concerned than in any other. And you have remained the people's department to this day.

It is because you of the Department of Agriculture have been faithful and skillful and dedicated in carrying out the responsibilities the Congress has given you that we constantly place larger burdens on your shoulders.

We do this because we know you *care* about what you do.

You *care* about conservation and so you inspire other people to cooperate in carrying out your programs in the Soil Conservation Districts, in small watersheds, in resource development and conservation projects, in the Great Plains, in the Agricultural Conservation Program, in the Cropland Adjustment Program, in the Greenspan Program.

You *care* about the farmer's economic welfare. You believe he is entitled to a fair income in return for his immense contribution to the economy. And so you skillfully help him adjust supply to effective demand.

You *care* about the rural renaissance. You believe that it is possible to build ideal communities of tomorrow—what Secretary Freeman calls Town and Country communities. And you make believers out of other people.

You *care* about winning victory over hunger and you believe in food for freedom and in aid to the developing nations so that they can one day feed themselves. And because you do, there is new hope in the world that the war on hunger can be won.

You *care* about helping the undernourished here at home to improve their diets through the Food Stamp Program the School Lunch and Milk Programs and the Direct Food Distribution Programs. With your continued interests and the tools to work with we should be able to eliminate undernutrition within 5 years.

It has often been said that we are living in the most exciting and challenging period in history. There is no doubt that it is also by far the fastest moving period in history. We are told that our scientific and technological knowledge is now doubling every decade. We see more changes in a year or two than our great grandparents saw in a lifetime. Because of electricity, the gasoline engine and our expanding knowledge each of us has power at his or her fingertips such as the kings and princes of old would have envied.

But with power goes responsibility. The past 30 years have changed the face of the world more than the preceding 300. And the changes of the next 30 years may well alter the face of the world more than it has been changed in the past 3000.

This is a great challenge. And nowhere is the challenge more direct—more pressing—more vital—than in agriculture.

Yours has been the responsibility of guiding agriculture in the past, and yours will continue to be the responsibility of guiding it in the future.

I strongly endorse what Secretary Freeman told you a year ago, namely, that no public agency anywhere has contributed more to American welfare than the U.S. Department of Agriculture—and that no agency anywhere has the ability to contribute more to mankind during the remainder of this Twentieth Century.

To meet the responsibilities which the Congress has given you—and to which future Congresses will surely add—you will need dedication and diligence, intelligence and imagination, industry and perseverance, and many other qualities. But we can sum them all up in two words—devotion and skill.

We can honor only a few of you today—but in honoring the few we honor all. Because what the Department of Agriculture accomplishes is always the result of teamwork. And those who receive awards today would be the first to acknowledge that what they have done was not done and could not have been done by any of them alone.

And so we salute you—the Honor Awards Winners of 1968—for *your* achievements and, symbolically, for those of the whole Department.

Because of what you have done in the past, the people of America can have more confidence in the future.

And from the continuing union of your devotion and skill, we will go on expecting greater and greater accomplishments in the field of Agriculture.

LAW AND THE CHANGING SOCIETY

Mr. LONG of Missouri. Mr. President, the American Bar Association and the American Assembly of Columbia University held an American Assembly on Law and the Changing Society in Chicago on March 14–17, 1968.

The consensus statement issued at the conclusion of these discussions deserves the attention of all Americans. A number of concrete suggestions have been presented, and all must be considered by the Congress of the United States. All must be considered by lawyers, educators, and others dealing with the problem of our changing society.

One paragraph is of especial interest to me as chairman of the Administrative Practice and Procedure Subcommittee. That paragraph recommends that:

Consideration should be given to the introduction of the Ombudsman system as a supplemental method of assuring fairness and regularity in governmental processes. Legal services—through private lawyers and legal aid—are themselves an important method of checking on government. The ombudsman system, however, seems especially promising to deal with abuses in administrative agencies where the cost of intervention by other means may be prohibitive.

Additionally, the report suggests that "access to legal services must be recognized as a matter of legal right." I deem this of importance to the consideration my subcommittee will give on May 16 to S. 3303—a bill to extend the right of counsel to the Selective Service System. To paraphrase the American Assembly report, access to legal services must be recognized as a matter of legal right—even to the Selective Service System.

I ask unanimous consent that the consensus statement of the American Assembly on Law and the Changing Society be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSENSUS STATEMENT OF THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY, CO-SPONSORED BY THE AMERICAN BAR ASSOCIATION AND THE AMERICAN ASSEMBLY OF COLUMBIA UNIVERSITY

At the close of their discussions the participants in The American Assembly on Law and the Changing Society reviewed as a group the following statement. The statement represents general agreement; however no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

Our changing society now faces challenge to public order and to the realization of American ideals greater than any since the Civil War—the cluster of problems known as the urban crisis.

Legal institutions provide a network of relationships for cooperation and for reconciling conflict in society, and so are inconspicuous when society is at peace. Their inadequacies as well as the importance of their functions become clear in times of trouble. Central to the crisis of our time are the recurring violations of the human dig-

nity of people who live in the cities. These violations take many forms—race discrimination, crime, inadequacy of education and employment. They have many causes—public indifference, archaic government institutions, and insufficiency of tax resources. Our complex society is pervaded by similar if less evident problems.

The legal profession is especially concerned with these problems. The law seeks fair-dealing, equity and redress of grievance—these are the benefits of legal order. For many, our institutions have proved inadequate to secure the benefits of equal justice. We must overcome this failure.

Beyond this, the systematic re-examination and evaluation of the substance of our law, with a view to its continuous improvement is essential to the legal order and especially important in a period of sweeping social change. It is a professional responsibility of lawyers to create and support the institutions necessary to achieve that end. The lawyer contributes to enhancement of respect for law by assuring that law is truly worthy of respect.

THE INSTITUTIONS OF SOCIETY

Our problems arise partly from basic weakness in social, economic and political institutions and partly from weakness in the machinery of justice itself. Lawyers, who traditionally have acknowledged responsibility for the machinery of justice, must assume an important share of the responsibility for the reform of these other institutions in our society.

To achieve social justice will require far-reaching institutional changes. For example, our welfare system must do more than support persons in a state of dependency. Union rules and practices that restrict job opportunities must be abated. Building codes and practices must be modernized to reduce housing costs. Political boundaries must be adapted so that they accomplish their role of keeping government close to people without obstructing better education, more effective law enforcement, and more equitable distribution of welfare burdens.

Lawyers have special skills—as advocates, planners, negotiators and organizers—needed in achieving such objectives. They must help provide leadership in both the public and private sectors. The profession should promptly create devices for placing these matters high on its agenda and moving forward rapidly with them.

Greater responsibility must be assumed through legislation for dealing with society's current problems and changing needs. Lawyers must help to create understanding of the need for legislative changes; they must draft appropriate legislation. They must press for its enactment, as individuals, as members of the organized bar, and as legislators.

At the same time the bar must meet society's needs and demands for legal services. In increasing volume and variety, the law and the legal profession are called on to perform new tasks, for new clientele, in relation to new problems, and in new context. The legal profession must adapt itself accordingly.

LEGAL SERVICES

Access to legal services must be recognized as a matter of legal right. Legal services provided through conventional law office and lawyer-client relationships are beyond the means of many citizens.

Innovations are needed in legal services offered all segments of the community. These should include law offices to serve lower income groups; greater utilization of services of law students; training and employment of sub-professionals and paraprofessionals acting, where appropriate, under the supervision and upon the responsibility of fully qualified lawyers; standardization of routine legal transactions; and elimination of needlessly complicated and costly legal procedures. We make the following recommendations:

1. Civil legal services for persons without sufficient means should be further expanded. Criminal defense services, both public and private, should be made adequate to defend indigent persons accused of crime. Federal, state and local government support of the activities of legal aid and defender facilities deserves to be a permanent element of public policy. These agencies should be expected and encouraged to deal not only with emergency and short-term matters but with fundamental legal problems—such as legislative programs, constitutional questions and the legality of agency and executive actions. They should be expected and encouraged to participate in the development and enactment of new legislation that is of interest to their clients.

2. Group legal service arrangements should be encouraged, subject to safeguards that will assure independence of professional judgment and fidelity in the lawyer-client relation. Properly administered, they should reduce the cost of needed legal services, ease the problem of finding a lawyer, and provide the client with a lawyer in whom he has reason to have confidence.

3. Lawyer referral services should be improved and expanded so that all persons seeking access to a lawyer can find one. Effective measures must be adopted in lawyer referral services to assure that the client receives competent service. Such measures should include identification of areas of special competence of lawyers on referral panels.

4. Bar associations have a continuing responsibility to study the extent to which legal services in their communities are being adequately coordinated.

5. Remedial justice in civil controversies involving small amounts must be made available more swiftly and economically to all citizens. Arbitration and mediation should be used more widely, perhaps in cooperation with such private organizations as the American Arbitration Association, consumer organizations, better business bureaus, and Chambers of Commerce. Rapid procedures at the neighborhood level should be developed to adjudicate disputes over simple transactions.

6. Consideration should be given to the introduction of the ombudsman system as a supplemental method of assuring fairness and regularity in governmental processes. Legal services— through private lawyers and legal aid—are themselves an important method of checking on government. The ombudsman system, however, seems especially promising to deal with abuses in administrative agencies where the cost of intervention by other means may be prohibitive.

7. We commend the efforts of the American Bar Association to create legal cost insurance arrangements in cooperation with state and local bars. Although there will be difficulties of cost, schedules of charges, eligibility standards and administration, the prospects are sufficiently promising to warrant the attempt.

8. Law offices should use all available means to reduce operating costs and to make available legal services at reasonable cost. Important savings are possible through reorganization of small law offices, use of modern equipment, standardization of legal instruments and improvements in office procedures.

9. The American Bar Association should continue to explore the feasibility of certificating specialists as a means of aiding the public to secure competent legal services for particularized needs.

EDUCATION

The changes in society's expectation for the legal profession require corresponding changes in legal education:

1. Financial sources now available to law schools are inadequate. Additional financial support is required from government, foundations, corporations, the legal profession and other sources.

2. The cost of going to law school, when added to the cost of college, makes the cost of a legal education prohibitive for many persons in our society. The question of the required duration of legal education and pre-legal education should be reappraised from this perspective. Pending such inquiry, substantial scholarship assistance ought to be made available to students who cannot otherwise afford to go to law school.

3. The legal profession should attract to its ranks members from all segments of our society. Experience indicates that this can be accomplished only if a special effort is made to overcome barriers imposed by poverty and cultural differences. Lawyers and law firms must take affirmative action to provide career opportunities for lawyers who are members of minority ethnic groups. We commend establishment of the Council on Legal Education Opportunities by the American Bar Association, the National Bar Association and the Association of American Law Schools, and the training and scholarship program the Council is organizing to encourage Negroes, Mexican-American and members of other disadvantaged groups to become lawyers.

4. The evolvement of predominantly Negro law schools, regardless of the circumstances surrounding their origin, must now be recognized as a reality and as a needed education resource. Many Negro students attend these schools. We encourage their strengthening and expansion. At the same time, the right of all minority group students is now assured to be considered for admission to all law schools without discrimination on account of race. We urge all law schools to facilitate admission of students from disadvantaged groups.

5. Law schools cannot be identical in their curricula. Each law school should be encouraged to determine whether its program of legal education responds to the needs of the bar and the society it serves. In this re-evaluation, each school should weigh the need for professional preparation, for clinical work, education in the lawyer's role in legal and social planning, and research, including interdisciplinary research. While recognizing the relevance of the explosion of specialized knowledge in the behavioral sciences, law schools should keep in view their obligation to prepare lawyers for their roles as generalists.

6. Law schools should seek closer relationships with other parts of their universities and with each other to profit by and contribute to the advancement of knowledge. Law schools, in cooperation with the organized bar, should consider the development of programs of education and training for sub-professional and paraprofessional personnel.

7. The necessary growth of continuing legal education depends upon the support of the bar, the law schools and the judiciary. Greater cooperation among participating organizations, improved efficiency, and higher quality should be the aim. Continuing legal education can contribute to instruction in the law schools, and the law schools can in turn improve the quality of continuing legal education, if the relationships between the two are extended and strengthened. Judges should assist in education programs designed for the bar and participate in programs designed especially for them. Programs of continuing education for judges should be strengthened, and similar programs should be established for adjudicative officials in administrative agencies.

8. The value and nature of bar examinations should be reassessed, particularly in the light of the influence they may have on law school curricula. The bar should consider developing alternative means to verify the competence of a new lawyer.

RESEARCH AND TECHNOLOGY

1. Research is important to the rational analysis and evaluation of legal services and

institutions. There is need for detailed study of the effects of particular legal arrangements, and for basic and applied research into law. The conduct of such research will require closer connection between law and the behavioral sciences. Increases in the currently miniscule level of funding for such studies would generate important interdisciplinary work. We urge Congress to support agencies authorized to provide for research on the law, and to enact pending legislation to establish and fund a national law foundation.

2. The profession should increase its efforts to take advantage of the developing technology of electronic data processing. Possible uses for the computer range from the storage and systematic retrieval of legal materials, to the employment of simulation techniques and linear programming, to calculate the consequences of legally significant events. At the same time, the profession should seek to develop the law necessary to deal with computer technology.

JUSTICE AND RESPECT FOR LAW

1. The improvement in the organization and administration of our courts and the methods of selecting our judges remains a pressing necessity, in part because of rapid increases and changes in the work of the courts. We reaffirm that necessity. We make no recommendations on these subjects because the American Bar Association and the Twenty-Seventh American Assembly, *The Courts, the Public and the Law Explosion*, have spoken specifically to them. We urge implementation of the proposals for improvement of judicial administration contained in those recommendations, except that which concerns automobile accident cases, a matter we refer to below.

2. Equal access to the legal system requires not only the availability of counselors and advocates but also public subsidization of the other expenses of litigation for those who cannot afford them. These expenses include court fees, transcripts, deposition costs, supersedeas bonds and similar expenses often incurred in the defense or assertion of claims. Each jurisdiction should provide for waiver or public subsidization of all such expenses for persons who are otherwise unable to utilize the legal system.

3. Automobile accident claims are of vital concern to the public, the court and the bar. We commend the American Bar Association's determination to give objective and urgent study to the problem.

4. Instruction in law and legal processes, should be a part of primary, secondary and college education. The legal profession should encourage programs of such instruction. As part of its responsibility regarding education of the public, lawyers should seek to explain court decisions, especially where unpopular, and to help the public understand that a lawyer's duty includes representation of unpopular clients.

5. Law enforcement must be provided the resources to carry out its responsibilities firmly, capably and with sensitivity. Security in our daily lives depends upon this capability. The tranquility of our cities may depend upon the ability of law enforcement to demonstrate to the community that it deals justly both with the troubles of persons and with the troubles created by persons whose lives are touched by it.

Lawyers administering justice must take responsibility for assuring not only that these procedures are fair to the individual and the comunity but that they appear to be fair, to the end that justice be done and be known to be done. We urge that the institutions involved in law enforcement and prosecution, many of which are unduly fragmented, should be organized and financed on a scale sufficient to enable them to perform the tasks demanded of them.

THE NEWS FROM EASTERN EUROPE

Mr. MONDALE. Mr. President, today's newspapers are filled with the news of Eastern Europe. The Czechs need Western economic assistance; the Russians attacked Thomas Masaryk, the first President and national hero of Czechoslovakia; and De Gaulle began a visit to Rumania amid warm welcomes by calling for a united Europe and increased attempts to bridge the gap between East and West.

In past weeks it has become clear that Czechoslovakia is walking a fine line. The country must have more contacts with the West for the sake of its economic survival. The Soviets put pressure on the Czechs by procrastinating in providing the requested economic assistance.

Czechoslovak economists concede that the country must extricate itself from its lopsided dependence on trade with the socialist countries. However, during the first few months of this year, imports from the West dropped while imports from Eastern European nations rose more than 9 percent.

Czechoslovak officials, worried about their economic position, now welcome foreign investment in industry. Premier Cernik yesterday said that the new government is interested in the gradual removal of East-West trade barriers.

Now is the time for the United States to consider our response to these changes in Eastern Europe. I invite the attention of the Senate to the East-West trade resolution I submitted last week, and to the hearings on East-West trade scheduled to begin later this month.

I ask unanimous consent that articles concerning the events in Eastern Europe, published in the Washington Post and New York Times of May 15, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRAGUE'S LEADERS OUTLINE REFORMS; NEW CHARTER DUE—PREMIER AND TWO DEPUTIES HOLD NEWS CONFERENCE—STRESS CITIZENS' RIGHT—ECONOMIC CHANGES DUE—WESTERN CAPITAL WELCOMED—LAW BEING DRAFTED ON FREEDOM OF THE PRESS

(By Tad Szulc)

PRAGUE, May 14.—Premier Oldrich Cernik and two deputy premiers announced at a news conference here today a far-ranging program of political and economic reforms they also said Czechoslovakia would welcome foreign investment in industry.

In a sharp departure from practices since the Communist takeover in 1948, the Czechoslovak premier submitted to a Western style of questioning by Czechoslovak and foreign reporters.

For an hour and 20 minutes, Mr. Cernik and Deputy Premiers Ota Sik and Gustav Husak freely, and often humorously, replied to questions ranging from relations with the Soviet Union the amount of work performed by civil servants.

Revealing the latest plans in Czechoslovakia's quickening "Socialist democratic revolution," Mr. Cernik and his colleagues announced these moves:

A special commission will be named tomorrow to draft the new constitution establishing a federal state in Czechoslovakia composed of Czechs and Slovaks and guaranteeing the rights of other minorities.

Legislation is being prepared to guarantee freedom of the press and the right of assembly.

A new electoral law will be drafted, though no date for elections has been set. Mr. Husak said that the ruling National Front was "not a political party," but that the electoral law would deal with the parties of the front—the Communists, the Socialists and the Peoples party.

A law, to be completed later this month, will regulate the rehabilitation of victims of previous Communist regimes.

The rehabilitation process has been in progress since early this year, when the present Government came to power, Mr. Cernik said today that rehabilitation was "one of the primary tasks" of the new program of the Czechoslovak Communist party.

In his opening statement, Mr. Cernik said that one of the guiding principles of the new regime was "to stress the democratic rights and freedom of citizens."

Discussing economic problems, Mr. Cernik and Mr. Sik, who is this country's leading liberal Marxist economist, announced plans for changes that contrast sharply with orthodox communism.

The economy is to be reorganized to become competitive both domestically and in Western export markets.

The reorganization calls for creation of a central policymaking economic body. But at the same time there is to be a complete decentralization of industry and management, granting full autonomy to individual state enterprises and forcing them to compete for credits and markets.

Free enterprise will be permitted in "personal services." Mr. Sik explained that individuals could provide services as private businessmen if they worked alone or with their families, though they might also employ "one or two apprentices."

Subsidiaries to noncompetitive enterprises will gradually be removed.

Mr. Sik concedes that this might cause temporary "social problems" and some unemployment, but said that the workers would be absorbed by other enterprises.

It was the announcement of Czechoslovakia's desire to cooperate economically with the West that served to emphasize the new regime's determination to break away from the Communist bloc's economic patterns.

Mr. Sik said that Czechoslovakia would accept Western capital for industrial "jointed ventures" with state enterprises, although it will be up to each enterprise to negotiate with "capitalist companies."

He said offers of this type were already coming in from France, West Germany, Italy and other Western European countries.

Discussing what he and Premier Cernik described as Czechoslovakia's desire to contribute economically to the "European continent," Mr. Sik said that one of this country's goals—but also "the hardest nut to crack"—was achievement of convertibility for Czech currency—the crown.

He said such convertibility must result from economic productivity and not from arbitrary measures.

WEIGHING MONETARY LINK

In reply to questions, Mr. Sik, said that it was premature to think of Czechoslovakia's potential ties with the European Common Market, but he conceded that this country might consider a relationship with the International Monetary Fund.

He noted that Czechoslovakia was a member of the Communist bloc's Council for Mutual Economic Assistance—the Comecon—and that she was preparing proposals to make this organization more effective.

But Mr. Sik made it clear that Czechoslovakia would insist on her independence and the protection of her interests in economic development.

After Mr. Cernik said that Czechoslovakia would make every effort to use trade to break down the "barriers" between the east and

the west, a reporter asked him whether this country's ties with the Soviet Union and the Comecon would not be an obstacle.

Mr. Cernik replied that while Czechoslovakia respected her relations in Eastern Europe, her decision to deal with the west or anywhere else was a matter of "our sovereign right."

He and Mr. Sik confirmed that Czechoslovakia was seeking industrial development credits from the Soviet Union. But they said Moscow had set no date for a reply to this request.

The premier said that the Government had invited the Soviet Premier, Aleksei N. Kosygin, to visit Czechoslovakia and that he expected him soon. He also said the Hungarian party chief, Janos Kadar, who has emerged as a cautious supporter of Czechoslovak policy, would probably meet the Czechoslovak party chief, Alexander Dubcek, next month in Budapest.

There has been concern here that Moscow will not grant credits to Czechoslovakia because of the growing Soviet irritation with Prague's "democratic socialism." Representatives of the Comecon countries began talks on Moscow today.

The news conference was held at the Presidential residence, Mr. Cernik and his associates were as relaxed and natural as if they had been holding sessions with the press all their lives. Later, a spokesman for the Premier said that such news conferences would be held regularly.

More than 100 reporters, including American, British and Soviet correspondents, filled the large conference room along tables bearing coffee, mineral water and plates of cookies.

Mr. Cernik, wearing a gray suit, answered questions standing in front of a microphone. He accepted written questions as well as those asked from the floor. When a question touched on one of his colleague's specialties, he would turn it over to Mr. Sik or Mr. Husak.

After 80 minutes, Mr. Cernik told the reporters, "Thank you for coming."

Then he and his deputies mixed with the correspondents, shaking hands and exchanging pleasantries.

[From the Washington Post, May 15, 1968]

DE GAULLE VISITS RUMANIA, HAILS ITS INDEPENDENT POLICY

(By Donald H. Louchheim)

BUCHAREST, May 14.—President de Gaulle called on Communist Rumania today to march "side by side" with France toward a united Europe of truly independent nations.

At the start of a six-day state visit, de Gaulle indicated approval of Rumania's policy of independence from the Soviet Union, and indirectly appealed to Moscow to permit other Eastern European nations to follow the same path.

De Gaulle is the first Western chief of state to visit this country, which has been as much a maverick in the Soviet bloc as France has been in the Western alliance.

CONGRATULATES NATION

In a toast to President Nicholae Ceausecu, de Gaulle congratulated the Rumanians for refusing to bow to either ideology or outside political pressure in their quest for national independence.

He said that France and Rumania are particularly well suited to be partners in "a united political effort" to bridge "the sterile and artificial separation" between Eastern and Western Europe.

Rumania has ignored Soviet wishes on major foreign policy questions over the last year, and, in recent months, has moved into open opposition to Moscow on several issues.

In his toast, de Gaulle apparently sought to reassure Moscow that he had not come to Bucharest to exacerbate the breach between Rumania and the Soviet Union.

He said, "The fact is that Rumania is next to Russia, to which it is attached by certain links." He credited the Soviet Union with keeping Europe from being "entirely enslaved" 25 years ago, and said that the Soviet Union's "value and power make it an essential pillar" of a reunited Continent.

But he stressed that the nations of Europe must put an end to "a situation in which many of them find themselves divided into two opposing blocs, bowing to political, economic and military direction from outside."

From the moment de Gaulle stepped out of his Caravelle jetliner at the Bucharest airport he received an unprecedented welcome from the Rumanians, who view the visit as a consecration of their effort to win international prestige.

The streets were jammed with flagwaving students and workers who were either given a special holiday or time off to participate in the welcome. At the airport de Gaulle plunged into the crowds, who seemed surprised to be suddenly shaking his hand.

TO ADDRESS LEGISLATURE

Throughout the day, spectators gathered to catch a glimpse of de Gaulle as he laid wreaths at monuments and traveled to the Opera House for a presentation of traditional Rumanian dancing.

De Gaulle is scheduled to make three major speeches here, including addresses to the Rumanian Parliament and Bucharest University.

In his brief arrival speech, de Gaulle also stressed the twin themes of European independence and unity.

Ceausescu welcomed de Gaulle by sounding many of the same nationalistic notes. The Rumanian leader said that in Rumania's view, "the nation, far from having exhausted its role in modern society, still remains an essential factor of social life."

Like de Gaulle, he expressed the hope that the two nations could strengthen political ties, but he stopped short of de Gaulle's appeal for "a combined political effort."

Ceausescu, whose shortness is accentuated by de Gaulle's height, also included a condemnation of "American aggression" in Vietnam in his luncheon toast. De Gaulle did not refer to Vietnam in his speeches and toasts today.

[From the Washington (D.C.) Post, May 15, 1968]

PRAGUE OBSCURES U.S. FIRM'S ROLE IN PROJECT

(By Dan Morgan)

PRAGUE, May 14.—The Czechoslovak Communist government is trying to play down the fact that a United States company is to supply technological expertise for one of the largest chemical combines ever planned for the country.

The contract for the Slovnaft Polypropylene Chemical factory in Slovakia was signed recently, but there has as yet been no official recognition that an American firm will supply several millions dollars worth of scientific and technical know-how for the project.

[A U.S. official in Washington said that under the terms of the Export Control Act, the government could not publicly identify the American company involved. It was also not clear whether the company had yet been issued the Commerce Department license required of American firms selling technical skills to East European Communist countries.]

On Monday the Communist Party newspaper Rude Pravo reported that two Japanese firms, Chisso and C. Itoh, will supply machinery and technology, but there was no mention of American participation. The total cost will be 238 million Czechoslovak crowns—or about $60 million at the foreign exchange rate.

The factory project is an example of the delicate position Czechoslovakia's new leaders find themselves in as they try to pull out of their economic slump without arousing suspicions among their Communist neighbors that the country is on the road to capitalist domination.

The new Prague team is carefully trying to avoid provoking the Soviet Union, which is upset by the turn the democratization process has taken in Czechoslovakia.

However, two of the country's top leaders indicate today, that Czechoslovakia may now have to risk more capitalist contacts for the sake of its own economic survival.

One of the reasons is Soviet procrastination in providing requested economic assistance.

Premier Oldrich Cernik said at a press conference that the new government was "interested in collaboration" with Western firms, and the gradual removal of East-West trade barriers.

Cernik declined to comment directly on whether Czechoslovakia was interested in a formal commercial deal with the Common Market. But Deputy Premier Ota Sik, who conceived the Czechoslovak economic program, said that he had personally received many proposals from Western firms, which he has turned over to the Ministry for Foreign Trade.

The Soviet Union has procrastinated so far on the Prague request for quick aid in the form of a hard currency loan to revive the worsening economy.

Czechoslovak economic planners have admitted such a loan would be used in part for purchases of licenses and materials in the West.

Cernik said gloomily today that "when it is convenient for them (the Soviets) they will give us an answer."

Adding to the urgency of the situation was the release yesterday of trade figures for the first three months of the year.

They showed imports from capitalist countries off from the comparable 1967 quarter by 5 per cent and exports lower than the average quarterly figures for 1967.

Contrary to previous reports, there was no sign of any lessening of exchanges with socialist countries. Imports from that area rose more than 9 per cent.

After 20 years of mismanagement, Czechoslovak economists concede the country must extricate itself from its lopsided dependence on socialist trade.

The country's deficit with the capitalist countries is increasing. A hard currency loan is needed to refinance the debt, make needed investments in housing, highways and the chemical industry and work toward a convertible currency, a process that Sik says will take five to seven years.

Despite new Western business interest in Czechoslovakia, there has been no dramatic upturn in investment here, even though Czechoslovakia is the only socialist member of the General Agreement on Tariffs and Trade (GATT).

In 1951, GATT revoked most favored nation treatment for Czechoslovakia by a vote of 24 to 1, which means that it receives none of the special tariff considerations available to other members.

The Tatra automobile, one of the most desired products in Europe in the 1930s, has practically disappeared from Western markets. The Skoda auto works, however, has just completed a cooperative deal with Simmons Machine Tool Corp.

Automobile production is now under 100,000 a year, but economic planners want to boost this to 200,000.

Sik said this would mean closing down factories in other areas of productions, notably in the overcapitalized steel industry. He did not say what would happen to the workers.

In other events in Czechoslovakia today, a Soviet marshal speaking at a steel works in Ostrava brought greetings from Soviet Party leader Brezhnev said that the Soviet Union would not interfere with Czechoslovakia.

PARTY TO CANVASS PUBLIC OPINION

PRAGUE, May 14.—Czechoslovakia's Communist leaders are asking readers of the official Communist Party newspaper what they think of the democratization drive, and if communism is compatible with democracy.

But the Party Central Committee's Institute of Political Science, which is taking the poll, has not announced whether it will publish the results.

Among the issues raised is: "One can speak of democracy only when voters have a chance to decide freely between two independent and equal political parties which are not dependent on each other."

Another question in the section on democracy asked is one "can only speak of socialist democracy when the Communist Party has a leading role."

The long questionnaire was printed in the paper, Rude Pravo, and replies were to be sent anonymously.

Dan Morgan of The Washington Post filed this report from Prague:

A top Czechoslovak official today indicated the new government is not interested in having Hungarian Party leader Janos Kadar mediate in its difficulties with the Soviet Union.

There had been reports from Budapest that Kadar would meet Czechoslovak Party leader Alexander Dubcek here soon to discuss the issue.

However, Premier Oldrich Cernik said the two would not meet before Dubcek goes to Budapest in June, and then primarily to work out a new trade agreement.

[From the Washington Post, May 15, 1968]

MOSCOW IS INCREASING PRESSURES ON PRAGUE

(By Anatole Shub)

Moscow, May 14.—The Soviet Union today began increasing the pressure on Czechoslovakia despite renewed assurances of loyalty from Prague. The main developments were:

A blistering attack on the late Thomas G. Masaryk, Czechoslovakia's first President, on whose grave the new President, Ludvik Svoboda, laid a ceremonial wreath last month.

A carefully phrased warning by Soviet Marshal Ivan Yakubovsky, military commander of the Warsaw Pact, that pact states—including Czechoslovakia—are expected to carry out the long-delayed joint maneuvers of their armed forces and to enact new measures for tightening the pact's high command.

The attack on Masaryk, which appeared in the newspaper Sovietskaya Rossiya, seemed certain to provoke a strong reaction in Prague, which is preparing to celebrate this fall the 50th anniversary of Czechoslovak independence. Masaryk was generally regarded as the George Washington and Thomas Jefferson of that independence until Stalinists forbade even the mention of his name from 1950 to 1963. He has been restored full honors in the current Czechoslovak national revival.

The Soviet attack, drawing partly on the work of a Czechoslovak Stalinist historian, charged Masaryk with subsidizing murderers and spies in Russia during and after the civil war, and accused him of "bloody crimes against the Soviet and Czechoslovak peoples."

"We would not mention this now," the article declared, "if it were not for the slogan 'Back to Masaryk' that has been wittingly or unwittingly taken up by some people in fraternal Czechoslovakia. . . . Do those people who repeat this slogan today realize what disaster they are courting for their people?"

Although Masaryk died in 1935, the article blamed his successors for the loss of Czechoslovak independence through the 1938 Munich Pact. The cause, according to Sovietskaya Rossiya, was the Prague government's rejection of a Soviet proposal to render military assistance. The proposal involved the passage of Soviet armed forces through Poland into Czechoslovakia—an idea by no means irrelevant today. East Germany and other critics of Prague's new course have urged that Soviet and other Warsaw Pact forces be moved into Czechoslovakia to strengthen the common defense.

Yakubovsky, writing in Pravda on the 14th anniversary of the pact, declared that member states "have carried out, are carrying out and will carry out joint maneuvers of the united military forces." Large-scale maneuvers originally scheduled for Czechoslovak soil in April, were delayed at Prague's request. The new Czechoslovak Defense Minister said last week that only staff maneuvers, rather than troop movements, would be held but Moscow has yet to confirm this limitation.

The Warsaw Pact commander also declared that "the exposure of anti-Marxist and various kind of anti-socialist elements" had now become of decisive importance and that "supreme responsibility lies with the socialist states for the fate of the revolutionary achievements of the peoples."

Yakubovsky concluded by asserting that recent Communist summit meetings at Sofia, Desden and Moscow had "reaffirmed the determination to strengthen in all ways the monolithic structure of our ranks." At the Dresden meeting, he said, "concrete measures for strengthening the Warsaw Pact and its military organization were unanimously decided," which would act as 'guarantee" of the pact's future. The reference to unanimous decisions at Dresden last March 23 seemed strange, in view of the fact that Rumania, a pact member, was not invited there and has stated it will not honor decisions made in its absence, Czechoslovak leader Alexander Dubcek did attend, but his government is reported to have reconsidered since then his original assent to a new pact political council, with headquarters in Moscow.

Along with the Masaryk attack and Yakubovsky warning, the Soviet press today reprinted without comment new assurances of loyalty to the alliance by Dubcek, Czechoslovak ambassador to Moscow Vladimir Koucky, and the Czechoslovak Defense Ministry.

NEED TO KEEP FAITH WITH AMERICAN HERITAGE

Mr. PROXMIRE. Mr. President, America's support for the important Human Rights Conventions on Forced Labor, Political Rights of Women, Freedom of Association, and Genocide would help to clarify the basic problems cluttering the road to world peace.

The American tradition—an unalterable belief in human rights—sets our great country apart from other nations which live under totalitarian rule and order.

I have for many months spoken in the Senate, asking that the Senate ratify these treaties and put a stop to the diplomatic embarrassment inflicted upon our country.

Especially during the observance of International Human Rights Year, it is imperative that we take action now to reaffirm our Constitution and end our professed righteousness.

It is quite perplexing to see the continuation of this country's failure to put its responsibility on the line and endorse these treaties which distinguish our idea of government from any and all types of tyranny.

I recall the words of President Johnson while commemorating the United Nations:

> The world must finish once and for all the myth of inequality of races and peoples, with the scandal of discrimination, with the shocking violation of human rights, and the cynical violation of political rights.

Our adherence to the human rights conventions can serve as the greatest contribution to the Nation's interests and enable us to keep faith with our heritage.

I again urge the Senate to give its advice and consent to the conventions on—Forced Labor, Political Rights of Women, Freedom of Association, and Genocide.

DEATH OF JOHN COLLIER, FORMER COMMISSIONER OF INDIAN AFFAIRS

Mr. McGEE. Mr. President, the word of John Collier's death last week has brought to the minds of many a renewed appreciation of his unique insight and exceptional contribution to humanity in general and to the Indians of the Americas in particular. John Collier is an individual very often described in superlatives, as illustrated by the Washington Post's editorial, beginning:

> John Collier is probably the best-known authority this country has produced on the subject of the American Indian.

On his 80th birthday, in 1964, Mr. Collier was named by the Secretary of the Interior to receive the Distinguished Service Award, the highest honor of that Department, in recognition of his extraordinary leadership in the field of Indian affairs. The citation opened with this paragraph:

> John Collier, humanitarian, conservationist, poet, and teacher was United States Commissioner of Indian Affairs from 1933 to 1945. He is being honored today because more than any other one person, he symbolizes the turnabout in the nation's treatment of the American Indian.

Mr. Collier was caught up in the forefront of the struggles, both in and out of Government, for the rights of Indians and other dependent peoples of the world. In 1946, in London, he served as an adviser to the U.S. delegation at the first General Assembly of the United Nations where guiding trusteeship concepts were formulated. He devoted himself to the principle of civilian administration and increased local participation in the governments of Guam and American Samoa.

In an unpublished poem written in his 70th year, John Collier wrote:

> Then, it might be, from our so-transient hour
> Some impulse, some strange grace to future man
> Might pass; . . .

I think we can affirm that he did indeed give to today's and future man the ideas, action, and courage which stood tall and led.

Mr. President, I ask unanimous consent that an editorial entitled "Indians Lose a Friend," published in the Washington Post, and an article entitled "John Collier, Ex-Commissioner of Indian Affairs, Is Dead at 84," published in the New York Times, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 1968]

INDIANS LOSE A FRIEND

John Collier is probably the best-known authority this country has produced on the

subject of the American Indian. His studies of the Indians of the Southwest began in 1919 and continued after he became executive secretary of the American Indian Defense Association. Over a period of many years he turned out a stream of magazine articles and books on the Indian's culture, way of life and critical economic problems.

When Mr. Collier became United States Commissioner of Indian Affairs in 1933, he may well have been better prepared for the post than any other man who has held it, and his 12 years in the job are the longest span that any man has occupied it. He contributed much to an understanding of the native tribes and their aspirations. To the country he brought a new awareness of this small native minority and of the need to preserve its traditions, tribal government and social values.

Unfortunately, it cannot be said that, with Mr. Collier's death at the age of 84, this peculiar minority problem is on the way to solution. The Indians are still faced by a cruel dilemma. If they leave their reservations and participate in the mainstreams of social and economic life, they tend to lose their Indian culture, traditions and identity. And if they remain segregated in remote areas with meager resources, most of them are doomed to poverty and stagnation. Though the dilemma remains, Mr. Collier helped us to see its dimensions more clearly and to appreciate the values that would be lost with the disappearance of tribal life from the continent.

[From the New York Times, May 9, 1968]

JOHN COLLIER, EX-COMMISSIONER OF INDIAN AFFAIRS, IS DEAD AT 84—U.S. OFFICIAL FROM 1933 TO 1945 ALSO TAUGHT SOCIOLOGY AT CITY COLLEGE

TAOS, N. MEX., May 8.—John Collier, who served 12 years as United States Commissioner of Indian Affairs and lived in Taos in retirement, died at a hospital today, four days after his 84th birthday.

Mr. Collier held the Indian post from 1933 to 1945, longer than any other Commissioner. After that he was professor of sociology and anthropology at City College in New York until 1954.

He had lived in this northern New Mexico community for 12 years.

Secretary of the Interior Stewart L. Udall sent a message of condolence today to the widow.

In the face of historic prejudice and entrenched interests, Commissioner Collier worked to establish in law the right of Indians to determine their own future through self-government; to reverse the devastating erosion of the Indian estate; and to reawaken the Indian's pride in his own heritage."

A private funeral service will be held here tomorrow, with a private burial following. A public memorial service will be held May 18.

SPURRED LEGISLATION

Mr. Collier devoted the major part of his career to helping American Indians. He fought for them both as Commissioner of Indian Affairs and as an official of several privately operated organizations devoted to the welfare of Indians.

His main purpose was to increase the self-sufficiency of Indians and to allow them a liberal measure of self-government. In 1934, a step was taken toward this goal with the passage of the Wheeler-Howard Bill (Indian Reorganization Act), designed to establish Indian political and economic home rule, to bulwark Indians against the encroachments of unscrupulous whites and to improve education for Indians.

The act was to a large extent Mr. Collier's work. On the whole it was regarded as one of the nation's greatest Indian reforms.

Mr. Collier had written that year in an article for The New York Times Magazine:

"Who can look on the condition of the Indians today—poverty stricken, dying at twice the white man's rate of mortality, limited in education and opportunity, hopeless, distrustful—and not say that a reversal [of Government policy] is indicated? Who could dare? Unless he be willing to say, 'Their blood be on our heads,' surely no one."

NAVAJO'S RICH LIFE

His fight for Indian rights was largely based on personal appreciation of Indian culture. In his 1949 book, "Patterns and Ceremonials of the Indians of the Southwest," published by E. P. Dutton & Co., he wrote:

"The Navajo has created out of his human material a house of wonder, his intangible culture matches the splendor of his land. In terms of life, not of goods, it is we who are poor, not the Navajo."

Born in Atlanta on May 4, 1884, Mr. Collier attended Columbia University from 1902 to 1905 and, the next year, the College de France, Paris. Before he had finished his schooling he was doing social work with immigrants in Atlanta.

He helped organize the National Board of Review of Motion Pictures and was its secretary from 1910 to 1914. He was director of the National Training School for Community Centers from 1915 to 1919, and helped to establish the Child Health Organization, later called the American Child Health Organization.

He moved to California in 1919, and the next year began extensive travels throughout the Southwest during which he studied Indians and their conditions. In 1923, he became executive secretary of the American Indian Defense Association.

KNOWN AS CRUSADER

During this period he became familiar to the readers of liberal weeklies as a crusader, and to certain business and political circles as that "dangerous lobbyist." He waged a bitter fight for religious liberty when the attempt was made to forbid the performance of ancient Indian rituals and ceremonials. For seven years he edited the magazine, American Indian Life.

After he became Commissioner of Indian Affairs, Mr. Collier hacked away at Government policy that called for "civilizing" the Indian. He tried instead, to re-awaken interest in Indian art and music, folklore and custom.

Mr. Collier often referred to the Indian tribes of the Southwest as the "mountain peaks of a submerged social continent." He maintained that the Indians' culture, or "cosmic soul," was spirtually superior to that of white, Western civilization.

Mr. Collier saw to it that more than half of his department's employees were Indians.

He wrought many changes in the Indians' educational system, eliminating most of the boarding schools and substituting day schools in which children could begin their education without being wrenched from their native roots. In former days, they had been forbidden to talk their own language even on the playgrounds.

RULES HELD UNCHANGED

Some recent observers have noted, however, that the boarding schools still have rules against the use of Indian languages.

Mr. Collier was a member of the Indian Arts and Crafts Board from 1934 to 1945, a director of the National Indian Institute from 1945 to 1950 and in 1946, was United States delegate to the Inter-American Institute of the Indian at Mexico City. He had been president of the Institute of Ethnic Affairs, Washington, since 1947.

His other books included "The Indians of the Americas," 1947 and "American Colonial Record," 1947.

In September, 1947, Mr. Collier was appointed Professor of Sociology at City College.

MRS. FRANCES P. YORK, 72-YEAR-OLD GREAT-GRANDMOTHER, RECEIVES HIGH SCHOOL DIPLOMA

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to an article published in the May 9 issue of the Portland Press Herald, of Maine. The article tells the story of Mrs. Frances P. York, of South Portland, a 72-year-old great-grandmother who has just received her high school diploma.

When asked why she returned to school after so many years, she replied:

I feel there should be no end to learning. After you get into it, it is something to be enjoyed.

I ask unanimous consent that the article be printed in the RECORD as an example that we are never too old for expanding our horizons. May many more Americans join Mrs. York in enjoying the new horizons that only education can bring.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Portland Press Herald, May 9, 1968]

GREAT-GRANDMOTHER, 72, IS THE PROUDEST GRADUATE

(By Marjorie Sinclair)

It's noteworthy to see a high school dropout return to classes and earn a diploma.

And when that dropout is a 72-year-old great-grandmother who left school 54 years ago, the occasion merits some very special recognition.

Mrs. Frances P. York, 521 Ocean St., South Portland, had the kind of recognition Wednesday night which makes a woman happiest. As she received her diploma from Portland Evening School, her son and grandson were in the audience. They had come here from California just to see her graduate.

Her son is Harold York of Northridge, Calif. Her grandson, Stephen, 17, is a high school student there. She also has great-grandchildren living in Ohio.

Mrs. York left a Dover, N.H., high school during her senior year in 1914 to help out at home after the death of her father.

"But I always had the idea that sometime I would go back to get that diploma," she said.

It took her 54 years because in the interim she has raised a family and then operated Ledgemere Country Day School at Cape Elizabeth for 31 years.

In the 1966–67 school year, she began to taper off her nursery school activities, working only half days. This season she quit permanently, except for occasional substitute work. Then she decided to return to high school and get the diploma.

"After spending 31 years in kindergarten, it was nice to have a promotion," she quipped.

Mrs. York enrolled for two courses in English, one in history and one in sewing to earn enough credits to complete requirements for graduation.

She was a straight-A student but for awhile it seemed she might not graduate.

"I had a terrible time getting my credits from Dover," she explained. "They had just moved into a new high school and the records hadn't been straightened out. It took from September to January to get them. If they hadn't found them I don't know what might have happened."

However, she was assured by Principal James E. Flanagan of Portland Evening School that he would find some way for her to get sufficient credits for her diploma.

"He was wonderful," Mrs. York said, "The whole experience was wonderful. It was nice to have something to do. Also, I met so many different people. I've made some wonderful friends there."

Now that Mrs. York has her treasured diploma she is toying with the idea of attending a class or two at the University of Maine in Portland where she once took a nursery school course.

"A friend asked me why I would want to do it," she related. "I feel there should be no end to learning. After you get into it, it is something to be enjoyed."

Mrs. York enjoyed her courses so much that she chalked up a perfect attendance record for the twice-weekly sessions from October until commencement.

She said she hopes her achievement will encourage other people no longer young to return to school.

"I noted a few enrollees on opening night last fall who seemed hesitant about starting," she related. "I had a little talk with one of them and tried to make him see he was not too old. After all, he was only 50."

Mrs. York said she is "absolutely flabbergasted" by the number of cards and congratulatory messages she received in recognition of her graduation.

"I've only done what I should have done 50 years ago," she stated.

THE CANADIAN AUTOMOTIVE AGREEMENT

Mr. GORE. Mr. President, I have addressed the Senate on several occasions on the subject of the unwise Canadian Automotive Agreement. This agreement has been in effect for more than 3 years, and its damage to the United States should now be apparent to anyone who studies the matter. Results have clearly borne out the warnings issued by me and others at the time of the unfortunate approval by Congress of the legislation which put this agreement into effect. One can understand why the big automobile companies and Canada wanted this deal. They are the beneficiaries. But there is no justification from the standpoint of the U.S. Government. I can understand, I think, why Henry Ford wanted it, but I do not understand how President Johnson could justify his recommendation of it, or how Congress could have approved it, or why it should not be promptly repealed.

The legislation passed by Congress called for an annual report from the President to Congress on the functioning of the agreement. The first report was not submitted until the agreement had been in effect for more than 2 years, and was transmitted to Congress by the President on March 21, 1967. Another annual report is now long past due. I made inquiry some weeks ago about the next report and was told that a final draft was to go to the White House on March 22. I have not yet seen a copy of this official report, and I do not know when it may arrive.

Pending the receipt of the delayed official report, it might be of interest to Senators to read a report prepared by Mr. James E. Burke, who is a consultant to a trade organization, the Automotive Service Industry Association. Although I cannot vouch for the accuracy of all the statistics and statements in the report, it does appear to be accurate.

Mr. Burke, having served as consultant on the United States-Canadian Automotive Agreement, is well qualified for his position with the Automotive Service Industry Association. For 45 years he was in charge of export sales for Stewart-Warner Corp., of Chicago, and was a vice president of that company from 1953 until his retirement at the end of 1964.

During his years with the Stewart-Warner Corp., Mr. Burke spent from 3 to 6 months each year in overseas travel for the company, visiting virtually every nation of any consequence in the world. He was president of the Overseas Automotive Club in 1953 and 1954, and was cofounder of the Automotive Exporters Club of Chicago as well as its first president.

Since coming with ASIA, Mr. Burke has interviewed automotive service industry manufacturers in both the United States and Canada to obtain their views with regard to the automotive treaty between the two countries. He also subscribes to and studies all of the important automotive and financial periodicals and newspapers from both sides of the border.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE UNITED STATES-CANADIAN AUTOMOTIVE AGREEMENT: 3 YEARS LATER

(A report by James E. Burke, special consultant to ASIA, issued April 1968)

The United States-Canadian Automotive Agreement governing tariffs on automobiles and automotive parts went into effect in January of 1965, shrouded in secrecy (including secret letters of commitment given the Canadian Government by the major American vehicle manufacturers) and surrounded by conflicting opinions as to its probable affect on the automotive parts industry. After three years, that affect is beyond doubt.

The Financial Post (Canada) on March 1, 1968 reported that over these three years Canadian exports of automobiles and parts to the United States increased nearly 800%, while U.S. Exports of the same commodities to Canada grew just over 125%. It comments that these figures demonstrate that this was "the most successful bilateral trade arrangement in Canadian history". Looking at the other side of the coin, one could add that it is probably the most disastrous bilateral trade agreement in United States history. If the present trend continues, the United States-Canadian automotive account will be balanced within a few years . . . in fact, it is not inconceivable that the automotive trade surplus may be in Canada's favor just as some other commodities are now.

WHY THE AGREEMENT?

Why was the agreement advanced by the Canadians? Because they contended that while they bought 7% of the American type vehicles for what they term the "North American Market", they produced only 4% of those types. This they considered unfair and contrary to their economic and labor interests. The treaty is designed to correct that imbalance. This reasoning is strictly unilateral since, if applied both ways, it would result in a considerable cutback of our consumption of such Canadian imports as wood and petroleum products (including natural gas), and other commodities where Canada enjoys a considerable surplus on her merchandise trading account with the United States.

How did our Government come to accept this contra-liberal trade agreement? The Administration told the Senate Finance Committee at the hearings on the treaty in September of 1965 that if the treaty was not approved, Canada would follow the example of Argentina, Brazil and Australia by shutting out vehicle imports and most of the parts, resulting in Canadian manufacture of all cars and trucks for their market, and with close to 100% Canadian content. These discussions failed to bring out the important differences in the situations in Argentina, Brazil and Australia as compared to Canada. These differences are:

(1) Argentina, Brazil and Australia are located great distances from the U.S. and are, therefore, remote from the influences caused by contiguity.

(2) Argentina and Brazil have different languages and have been dictator-controlled for a long term of years.

(3) Argentina and Brazil went into local vehicle production only after they exhausted their foreign exchange resources for everything but dire necessities.

(4) Local vehicle production for all four countries has resulted in higher vehicle prices than prevailed when vehicles were imported and were paying substantial tariffs. Only a few years ago, new Chevrolets smuggled into Argentina were selling for the equivalent of $12,000 (U.S.).

(5) A large percentage of the Canadian population lives very close to the U.S. border. We not only share a common language, but the Canadians listen to and watch the same radio and television programs, are regular readers of our periodicals, and closely follow U.S. events and trends.

(6) People in marketing centers such as Buffalo-Hamilton-Niagara Falls-Toronto, Detroit-Windsor, Halifax-Boston, and Seattle-Portland-Vancouver have much more in common with the people in their respective area groups than they do with their own nationals located hundreds or thousands of miles away.

(7) If Canada went in for the manufacture of vehicles with near 100% Canadian content, it would be necessary to concentrate on a very few makes and models and even these would undoubtedly sell for considerably higher prices than their American counterparts. This is evidenced by the inability of the Canadian producers to bring their costs down to U.S. levels, even under the rationalization program resulting from the treaty.

(8) Any Canadian political party which limited the publics choice to a few models, particularly at prices higher than prices for equivalent models in the U.S., would find the going very rough indeed.

WHAT THE TREATY PROVIDES

The United States agreed to free trade in vehicles and parts (subject to imports from Canada having at least 50% Canadian content) *for the vehicle manufacturers only*. Replacement parts were not included because of the objections of the Canadians.

The Canadian's agreement had three provisos in an addendum. These three provisos were in the separate letter commitments made by the U.S. Vehicle producers with the Canadian Government, plus a fourth commitment not referred to in the treaty.

The first proviso or condition required the vehicle manufacturers to maintain, *as a minimum*, the Canadian content of their 1964 models. For example, if General Motors had $250 million Canadian content in their 1964 models, they were required to provide at least this amount of Canadian content every year regardless of the condition of the market. There has been no difficulty meeting this "floor".

The second proviso required that on any increase in domestic demand over the 1964 base year, there would be at least a 60% Canadian content on passenger cars, and a 50% Canadian content on trucks for the increased demand. These were the same percentages stipulated in 1964 and established some time prior in order to qualify for British Commonwealth preferential tariff treatment. There obviously has been no difficulty in achieving these percentages.

The third condition required the vehicle producers to maintain the same ratio of production to sales in Canada as prevailed in the 1964 model year. Ford testified at the 1965 Senate Finance Committee hearings that their 1964 ratio was 99 production to 100 of sales on passenger cars, and 109 of production to 100 of sales on trucks. The ratios of the other producers have not been revealed, but is believed to run about 95 production to 100 of sales. Assuming that the ratio is 1 to 1, the net effect of this proviso is that the value of each producer's exports must equal *or exceed* the value of the producer's imports from the U.S. in order to qualify for duty free entry into Canada. Regular duty rates must be paid on any export deficiencies. Because the overseas market for North American type cars is now limited, all (or nearly all) Canadian vehicle exports must go to the United States.

Finally, the letter agreements stipulate that within the period of the 1968 model year—that is between July 31, 1967 and August 1, 1968—the four vehicle producers agreed to increase their Canadian content by $260 million (Canadian). *These commitments are over and above the three previously described. Exported parts are credited toward the satisfaction of the commitments.*

The treaty has no termination date, but can be cancelled by either party giving twelve months' notice.

SELLING THE TREATY TO CONGRESS: A CREDIBILITY GAP

In seeking Congressional approval for the treaty, representatives from the State, Treasury and Commerce Departments assured the Senate Finance Committee that the U.S. automotive trade surplus with Canada—which amounted to $578 million in 1964 and $692 million in 1965—would, under the treaty, drop to $500 million and then stabilize at that figure.

The first annual report to the Congress on the operation of the treaty put our 1966 surplus at $486 million. Several times during 1966 the observation was made that the treaty results would not show up in the 1966 figures, but would appear in 1967 as the treaty effects took hold. The figures for the first eleven months of 1967 are now in and, based on these figures, our 1967 Canadian automotive surplus will not amount to more than $286 million. *This is 45% below the forecasts given to the Senate Finance Committee in 1965.*

That is not all. The trend anticipated in 1966 continues. In fact, one of the automotive trade reporting services recently raised the possibility that the U.S.-Canadian automotive account would come into balance within a few years—and it is not inconceivable that the surplus will move over to the Canadian side of the ledger before too long. It is estimated that in the years 1965 through 1967 approximately $650 million has been invested in new Canadian automotive production facilities.

THE TREATY REVIEW

During the past year the Canadian press has occasionally carried intimations from Ottawa that in the review of the treaty now taking place between the two governments (as required by the treaty) *the Canadians will require the vehicle manufacturers to make further Canadian-value-added commitments.* Our Government was not a party to this commitment in 1965 and, apparently, only became aware of it shortly before the signing of the treaty.

Considering its adverse effect upon our automotive trade balance with Canada, it is to be hoped that the American negotiators will refuse to carry on under the treaty beyond the twelve month's notice period if such a further commitment is to be made a part of the treaty, or if another separate letter agreement is arranged with the vehicle producers. It is estimated that the vehicles being produced in Canada now have from 72% to 75% Canadian content.

UNITED STATES-CANADA BALANCE OF TRADE

While it is true that a large factor in lowering the U.S. trade surplus has been the heavy preponderance of Canadian vehicles entering the U.S. over American vehicles moving to Canada, there has also been a substantial reduction in the U.S. surplus of automotive parts since the creation of the treaty. Following are the figures, going back to 1963.

[In millions of dollars]

OEM	1963	1964	1965	1966	1967 (11 months)
U.S. parts exports to Canada	472.6	466.4	435.0	546.7	561.5
Parts imports from Canada	20.2	37.6	76.6	170.4	227.0

The above figures do not include engines where the flow in each direction is of approximately equal value, or stampings exported from the U.S. and which are largely captive items and, likewise, not generally regarded as parts.

Replacement automotive parts imports from Canada are not separately listed in the U.S. import statistics, but U.S. exports of such parts are given. Following are the figures, also from 1963:

[In millions of dollars]

Replacement	1963	1964	1965	1966	1967 (11 months)
U.S. parts exports to Canada	86.9	96.0	68.6	83.9	64.5

Again, the export statistics do carry some separately identified replacement parts, but they are not listed above for the reason given previously.

It would seem from the statistics given that the Canadian parts producers would be happy over what these figures show, particularly the ones in the O.E.M. grouping. Such, however is not the case. The Automotive Parts Manufacturers Association of Canada is complaining that most of the additional Canadian content in Canadian vehicles represents increased assembly operations, or parts obtained from captive parts plants of the vehicle manufacturers. *They are pressing the Canadian Government to modify the treaty so as to provide for greater Canadian content.* There is no doubt—if our Government should yield to such demands—that the further Canadian content would come from parts production since the vehicle manufacturers are now well set up on their assembly facilities.

COMPLACENCY BY A.S.I.A. MANUFACTURERS

Some A.S.I.A. manufacturers may be complacent if their exports to Canada have not suffered as a result of the treaty, *even though they may not be sharing in the expansion resulting from increased Canadian vehicular production. They could be in for a shock later on if the Canadians have their way about higher Canadian content.*

DUTY-FREE ACCESS INTO UNITED STATES FOR OVERSEAS FIRMS

It was earlier mentioned that articles covered by the treaty can enter the U.S. duty-free if they contain 50% or more Canadian content. The U.S. law implementing the treaty, HR 9043, provides for free entry "whether imported directly or indirectly". There are now two companies void of U.S. interest undertaking vehicle manufacturing-assembly operations in Canada—Volvo and a company named Soma, financed by the Quebec provincial government, set up to produce the Renault and Peugeot. A Japanese group is also preparing to produce a car in Nova Scotia.

One Canadian newspaper reported that Renault of France was considering the production of a car *in France* with 50% Canadian content for purposes of securing duty-free entry into the United States. The idea may seem far-fetched—Canadians exporting parts to France for incorporation into vehicles destined for the U.S. just for the sake of saving the 5½% duty. However, if enough vehicles are involved, the triangular operation would make economic sense.

There is also the possibility that "third" countries will take advantage of the treaty to assemble in Canada (or have assembled for them) automotive components with 50% or slightly more of Canadian content. The Japanese, for example, might do this with anti-friction bearings on which they are proving to be strong international competitors. As evidence that this is not a remote threat, imports from the Virgin Islands are currently admitted duty-free into the United States under a similar 50% provision. A very large volume of watches now enter this country from the Virgin Islands, with the slightly under 50% of content *being supplied by the Russians.* What is occurring in the Virgin Islands could just as easily develop in Canada.

WHAT THIS MEANS TO A.S.I.A. MANUFACTURERS

The treaty is a bad one in terms of U.S. interests, not only because of the results to date but also because any further deterioration in our automotive trade balance will fall heaviest on the independent parts manufacturing sector. There is now considerable sentiment in the Congress for import quotas on certain items, notable steel and textiles, which would limit the quantities of products brought in under those categories. The Administration has indicated that it would veto any such import legislation passed by the Congress. The U.S.-Canadian Automotive Treaty, coupled with the separate letter agreements, constitutes a Canadian quota system, and a very tough one at that.

The legislation proposed in the Congress puts ceilings on certain imports. The quotas in the U.S.-Canadian Automotive Treaty, and the letter agreements, not only establish Canadian production "floors", but also force on the United States the $260 million additional Canadian content requirement. It is hard to see how the Administration can act negatively on any import quota legislation, if passed, and still espouse the treaty. Not only would these positions be inconsistent, but there is also the hard fact that we have suffered a drastic reduction in our automotive trading account with Canada—contrary to the Administration's assurances in 1965 that our surplus would level off at a constant annual figure of $500 million.

THE FINANCIAL CRISIS

Mr. BYRD of Virginia. Mr. President, it was a refreshing, but surprising, statement made in Virginia, Friday, by

Arthur M. Okun, Chairman of the President's Council of Economic Advisers.

Speaking before the Business Council at Hot Springs, Va., Mr. Okun asserted that the Federal Government has been "the major cause" of the recent inflation because it has poured so much more money into the economy than it has taken out. This policy, Mr. Okun said, was "inappropriate" to the economic conditions that existed.

What Mr. Okun was saying in a roundabout way is that the Federal Government is spending too much money.

I agree.

I agree with Mr. Okun, too, that this policy is "inappropriate" to the economic conditions that have existed.

Mr. Okun was a little more frank than I had anticipated. Of course, his assertion was coupled with a renewed demand for an increase in taxes. But even if the taxes are increased to the extent the President recommends, the new fiscal year will end with a deficit of approximately $15 billion—unless there is a sharp reduction in Government spending. The current fiscal year will end with a $20 billion deficit.

So I agree with Mr. Okun that the major cause of the recent inflation has been Government spending. Even if taxes are increased the inflation will continue because the deficit will continue.

Another factor I want to emphasize today is this:

If the Federal Government were to levy a 100 percent tax—yes, 100 percent tax—on all income over $10,000—$20,000 on a joint return—the revenue gained would be only $13.2 billion—not enough to pay the interest on the national debt.

To me this dramatizes not only the seriousness of the financial crisis which our Nation is facing, but it dramatizes, too, that the bulk of the Federal Government's revenues come from the middle income and lower income groups. That is a fact the liberal spenders should bear in mind.

STATE GOVERNMENT AT THE CROSSROADS—ADDRESS BY MR. BRADY BLACK

Mr. MUSKIE. Mr. President, recently I was privileged to speak to a regional conference of State legislative leaders and newspaper publishers who were meeting in Baltimore, Md., to consider ways and means of improving State legislatures. Mr. Brady Black, vice president and editor of the Cincinnati Enquirer and a member of the board of trustees of the Citizens Conference on State Legislatures discussed the role of State legislatures in our Federal system.

The State legislature's task—

He said—

is to do the wisest job the citizens of the State will permit it to do . . .

He asserts:

Citizens, in their fear of big government, protect themselves so carefully against government at home that they permit central government to grow greater and greater while protesting that it does so.

Many of us share Mr. Black's concern. I have the pleasure of serving on the Advisory Commission on Intergovernmental Relations along with two other Members of this body, the Senator from South Dakota [Mr. MUNDT] and the Senator from North Carolina [Mr. ERVIN]. The Advisory Commission has devoted much of its attention to finding ways and means of strengthening State and local government. Modernization of State legislative operations is sorely needed. Indeed, some observers contend that State legislatures are the weakest link in our Federal system. The Advisory Commission has urged States to hold annual sessions, to offer adequate compensation, to provide year round professional staffing of major committees, and to devise more effective ways for making the views of State legislatures known to Congress.

Mr. Black's frank and perceptive comments merit thoughtful consideration by all Members of Congress. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATE GOVERNMENT AT THE CROSSROADS

(Remarks of Brady Black, vice president and editor, the Cincinnati Enquirer, before Mid-Atlantic Regional Conference on Strengthening the Legislature, February 14–15, 1968, Johns Hopkins University, Baltimore, Md.)

The role of the American state legislature in relation to present day federalism is to do the wisest job the citizens of the state will permit it to do in the state's partnership with local government and with the Federal government.

I say permit because citizens, in their fear of big government, protect themselves so carefully against government at home that they permit central government to grow greater and greater while protesting that it does so.

They protect themselves with constitutional restrictions and they protect themselves with overlapping local governments.

The American Assembly, when it concluded a meeting of 76 Americans on state legislatures on May 1, 1966, issued a statement which suggested elimination of limitations on a legislature's power to appropriate funds, repeal of the right of referendum and initiation where reserved by the people, and establishment of legislatures as continuing bodies with the power to call themselves into action. In short, state legislatures would be allowed discretions similar to those of Congress.

Such a broadening of state legislative authority may be beyond our times. This is because voters, unable to get at Washington directly with restrictions on debt and spending and legislation, are damned if they're going to give another layer of government such unrestricted access to their purses, in those places where they still can use the ballot to say yes or no.

Therefore, the direction of legislative change has been to annual sessions, to increased staffing, to greater independence of the executive, to four-year and staggered terms, to fewer committees, to increased competition, to adequate space and to modern equipment.

Let me point to two recent examples of the hesitancy of citizens to give legislatures less citizen restriction on spending.

Kentucky in 1966 tried a massive overhaul of its constitution. This included a sharp scaling upward of the $500,000 limit on debt unless voter approved. The issue was clobbered.

In Ohio last spring, citizens were asked to set up a bond commission with powers to develop and finance a master plan for state growth. The program would have bypassed the $750,000 limit on unvoted debt. The issue was smashed.

Now, having raised a doubt that citizens are going to give state legislatures power equal to that of Congress, let us review currents which may influence change, including financing state governments while holding fast to the right to say no.

CITIZEN UNREST AND DISSATISFACTION

A great deal of dissatisfaction and unrest today is directed toward Washington. Where there is dissatisfaction, there is greater willingness to change and change spawned in great social upheaval is likely to be sweeping.

Areas of dissatisfaction include:

The war

Washington is forced to give priority to Vietnam, which is costing $2 to $2½ billion a month and which is frustrating because we are an impatient people and there seems to be no end in sight.

Big city riots

The Federal government is blamed on the one hand because it is spending money in Vietnam instead of on big city slums and on the other for arousing expectations among Negroes for quick solutions to problems which defy quick solutions.

Crime

Crime menaces the safety of the individual and of his property. The courts, spurred by U.S. Supreme Court rulings, seem to be increasingly tolerant of criminals. Discontent again is directed in large part toward Washington.

Strikes

When strikes interfere with the welfare and the convenience of the people as a whole, the people look for a scapegoat. Big everything causes eyes to turn toward big government, which is Washington, and the massiveness of labor disputes sometimes adds to the grumbling.

High prices

Inflation is pushing up prices and the housewife notices this when she goes to market. At the other end, the farmer argues that his prices are too low. More causes for unrest.

In today's discontent and citizen restiveness, there is opportunity for government closer to home to look for ways in which it can tackle and solve problems, and thereby build its standing with the people.

In some cases, however, state government lacks the tools and in some cases it lacks the boldness.

It is in this atmosphere that the Citizens Conference on State Legislatures is stimulating interest in American state legislatures so that the state citizens committees, wherever motivated, can work to strengthen their legislatures.

This we can call a present-day trend.

There are other trends, too.

Consider, for instance, the prominence of governors among Republicans being considered as likely prospects to oppose President Johnson next November. We hear Romney of Michigan, Reagan of California and Rockefeller of New York mentioned quite often and sometimes Rhodes of Ohio. A former governor, Wallace of Alabama, is leading a challenging third force.

Governor once was a springboard to President, but hasn't been since our country became a super-power at the end of World War II. Since the last governor in the White House, Franklin D. Roosevelt, we have had three U.S. senators and one general.

State voters, while they have shied off from giving blank checks for state spending, have been generous when the use was specific. Ohioans, since Jim Rhodes became governor more than four years ago, have approved more than $1 billion in bonds and

will be asked for $850 million more this year. Pennsylvanians last year passed a large bond issue.

California's legislature in 1967 imposed $1 billion in tax increases and Ronald Reagan still rides tall in the saddle. Ohio added $200 million a year in taxes in 1967 and Jim Rhodes continued popular.

In Washington, Congress is taking a stronger hand in shaping spending programs and, in at least one instance—the anti-crime program—was inclined to go along with block grants to the states.

WHAT LEGISLATURES FACE

What are the problems which legislatures must face, with or without new tools from citizens?

Education is a major one. The action of Ohio's legislature in 1967 can be looked to for clues.

In Ohio's school districts, as in others in other states, property owners have been in rebellion against carrying so much of the burden for education. Whereas once the vote yes was almost automatic for bonds and for operating levies, nos began to show up, campaigns of opposition to emerge, and financial crises to occur.

This rebellion occurred as there were more children to educate, increased pressure to pay higher salaries or be unable to find enough teachers, more demands for special education to meet slum problems, and a drive by parochial schools to get taxpayer help.

Governor Rhodes, safely into a second term and with a two-term limit, eased off his no-new-taxes policy under education's pressures and the result was that a newly apportioned legislature, with a heavily suburban influence, increased taxes and gave most of the new revenues to local school districts and state-supported universities.

It gave parochial schools at least a tentative beginning in use of tax funds by appropriating $15 million for school auxiliary services in which such schools can share. This is the subject of a constitutional challenge in a state court. Supplementary funds were provided for extra attention in big city poverty districts and for vocational education. The increased state aid did not head off teacher demands, however. Cincinnati has just gone through a teacher strike.

Welfare is the source of another immense pressure on state legislatures and one which will grow. Contrast Ohio's handling of this question to its handling of education. The combinations of Federal, state and local effort have been meeting only about four-fifths of what is considered the minimum standard for subsistence under Ohio programs.

Pressures for greater state effort built up from county welfare recipients through marches on the state capital, and from state organizations.

The result was that the legislature appropriated $17½ million of an estimated $70 million needed to get to 100%, and made available another $17½ million provided local governments will match it $2 for $1.

You can read into this a wariness against getting the state too deeply committed in welfare.

I think there are several reasons for this.

One is that suburban legislators are representing areas to which many white taxpayers have fled and still are fleeing from central cities that are filling up rapidly with black tax consumers moving in from agricultural areas and frequently without education and training for jobs. These are the people of the so-called black ghettos, in some of which riots have been occurring. The suburban dwellers, beset by their own problems of schools, sewers, trash removal and mortgages, are reluctant to assume the costs of solving city problems.

Add to this, the ruling last year by a three-judge Federal court that Connecticut's residency requirement for Aid to Dependent Children is unconstitutional because it discourages the right of interstate travel, and you have a potential tripling of the costs of public assistance on the present aid base.

Almost 8 million depend on public assistance and the annual cost, at all levels of government, is $7 billion, which is double the cost of 10 years ago. Yet numbers fail to qualify under residency rules and the waiting period may be a factor which slows down migration to the cities. Immediate qualification certainly would open up some growth potentials.

Concern already is being expressed that the welfare system locks the poor in dependency, develops generations of welfare clients, attracts the untrained and uneducated jobless to further augment the restless slums, and influences the taxpaying whites to go on fleeing to the suburbs.

In state after state the governor has had to dispatch the National Guard to cities to help restore order and in Michigan even this wasn't enough and battle-hardened Federal troops were sent in.

Ohio, while it was wary in 1967 of getting the state too deeply committed in welfare costs, continued this year in preparing to handle riots if they should come next summer.

Efforts generally are directed toward making it simpler for the governor to respond quickly in an emergency and for authorities to contain rioters, to cut off sale of alcohol and to restrict sale of gasoline.

I suspect that before summer there will be provisions for shifting of National Guard troops among the states and for airlifting of Federal troops when a governor calls for help.

The states, and the cities, face a very grave test of whether they can maintain order and whether, if they do, they can avoid drifting into a police state.

You know there is more than one way our country could go. A state of anarchy could develop in which citizens would not be safe. Or revulsion against disorders could bring the rise of a Hitler-type. The state legislature is under pressure to be a factor in seeing that neither occurs—that instead we solve our problems and maintain order.

Local government aid

Ohio, when it came to considering appeals from local governments for greater financial help, responded cautiously on welfare and otherwise simply authorized additional areas of taxation if counties and cities want to use them.

Municipal governments have shown a growing inclination to run to Washington for help because:

A. The Federal income tax and unlimited borrowing have made the funds available.

B. The mass urban vote can and does decide presidential elections and therefore programs are devised to attract voters.

C. Legislatures, with an experience of quick reprimands at the polls for raising taxes and with election bases which encourage avoidance of some city problems, have tended to seek ways to avoid rather than to rush in with panaceas, which is the reverse of Federal experience.

There are, however, evidences that this may be beginning to change.

For one thing, a new breed of governors who are boldly seeking solutions has come on the scene as a shocked citizenry begins to wonder whether all answers do lie in Washington. They, too, have masses of urban voters and some of them have ambitions which lie beyond the governor's mansion.

Legislatures, altered greatly by reapportionment, are showing responsiveness to the seeking of solutions to problems, but members will be cautious about going beyond the political comprehension and depth of their constituents. This a political fact of life.

This is taking place amid a growing pondering that there must be something which badly needs fixing when rioters burn our cities, criminals make our streets unsafe, and when even policemen, firemen and teachers are going on strike—against us, the taxpayers.

Whether you are a learned man from a university faculty, a day-to-day educator and opinion influencer from the news media, a lawmaker or a civic leader, you know that something is wrong and somebody ought to do something about it.

For, unless something is done about it, however much you might prefer the status quo of yesterday, yesterday is history.

And doing something about it includes preserving the state as a strong part of the Federalist system.

You know and I know that there is every indication that the urban sprawls will get bigger, that the confusion of overlapping governments will remain, that the tax users will go on inundating the central cities, that the taxpayers will go on fleeing to their suburban outposts, that the tax users will go on flexing their political muscles as they demand more government money, that riots or the threat of riots will continue to come from the militant, that police will be armed to the teeth, that soldiers will be called upon to defend Americans against Americans in our cities, and that suburban and rural lawmakers will hesitate to vote upon their constituents the costs of city problems from which they have fled.

This, of course, is the point of challenge for each of us. What are the solutions? How can our Federalist system be strengthened as a partnership to find solutions and to put them into effect. What can we do to help?

The American state legislature, unless it is strengthened by citizen guidance and support, is likely to give its attention to education, to public health, to parks and recreation, to highway building and highway safety, to helping enforce the law in emergencies—all worthy causes—but to back off and leave to Washington the massive and high cost problems of American cities—poverty, crime, housing and the black power riots.

It is these problems which are tearing us apart. Since we have gotten into today's grave crisis while weakening our state and local partners in our Federalist system, it seems to me that it is time that we tried to restore some of their power.

The American state legislature is an integral part of such a partnership, but it needs citizen help and backing if it is to play its fullest role.

For, as I noted when I opened these remarks, the role of the American state legislature in relation to present day federalism is to do the wisest job the citizens of the state will permit it to do.

DISMAL STORY OF THE ICC

Mr. RIBICOFF. Mr. President, last Monday's lead editorial in the New York Times emphasized the importance of protecting the traveling public from the inefficiencies, discomforts, and hazards which have become the commonplace occurences of our country's railroad passenger service.

I commend that newspaper for illuminating the serious difficulties now encountered by the railroad passenger and the dire need to dedicate ourselves to improving this service.

The passenger has player second fiddle to freight service for entirely too long.

While there are laws affecting the traveling conditions of dumb animals, the rulebook is strangely silent regarding human cargo.

While ingenious new methods have been developed to transport livestock, farm commodities, cement, and even wine, there have been no similar improvements in passenger accommodations.

The Times pointed out that these conditions are a serious indictment of the Interstate Commerce Commission. But, more than that, the Federal and State Governments and railroad companies themselves must bear a major share of the blame. Last week I spoke at length of the immediate need to upgrade passenger service and facilities in order to bring much needed balance to our national transportation system. That challenge remains before us.

It is no longer possible to view railroad services as the poor cousin. The railroads and many of our public agencies have treated the passenger train like a prehistoric animal—soon to become extinct and a relic of the past. This is blindness. Almost 100 million passengers rode the rails last year—and this does not count the commuter whose livelihood depends on rail transportation. This figure is likely to rise in the future as our airports and expressways become clogged.

The time to take responsible action is now. We can no longer hide our heads in the sand.

I ask unanimous consent that the New York Times editorial be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOTFOOT FOR THE ICC

The Interstate Commerce Commission awoke from its torpor long enough last week to authorize the discontinuance of a few more of the country's vanishing fleet of blue-ribbon passenger trains. The Santa Fe was allowed to drop its Chicago-Los Angeles streamliner, the Chief; the Chesapeake & Ohio got permission to kill the Fast Flying Virginian and the Sportsman on the Washington-Cincinnati run.

It is all part of a dismally familiar story for the I.C.C., the oldest of the Federal regulatory agencies and—except for the Federal Communications Commission, which nominally regulates the radio and television industry—the sleepiest and least effectual.

Made up of eleven commissioners who rotate the chairmanship each year, the I.C.C. has a shifting membership, no executive head and few consistent policies. Its protracted procedures sometimes irritate the railroads, buslines and trucking companies, but these private interests much prefer to suffer its fussy inconsequence than to deal with a small, reformed agency which might aggressively defend the public interest.

The scorching report of John S. Messer, the hearing examiner in a case involving a reduction of service standards by the Southern Pacific, is nothing less than an indictment of the commission for neglect of duty. Its failure to protect the traveling public against the exploitation of railroad managers is bodly set forth.

It is astonishing to learn that the commission has never formulated minimum standards for passenger service. Instead, the commission has supinely cooperated with those railroads which have wished to discontinue passenger service and concentrate on their more profitable freight service. Railroads are not ordinary business firms; they are quasi-public corporations endowed with enormous land grants and the power of eminent domain in order to perform a specific service. That service is to provide transportation for persons and goods.

Passenger service sometimes incurs a deficit, although the railroads exaggerate their losses, as the Southern Pacific did in this case; but the I.C.C. already takes the passenger deficit into account in setting (and raising) freight rates.

Railroad companies have developed the propaganda myth that maintenance of passenger service is a matter of interest only to a dwindling number of train buffs. In reality, ninety-eight million passengers, not counting daily commuters, traveled on intercity trains last year. Rather than dwindling, the number of rail passengers is likely to rise in the coming decade as highway and airlane congestion worsens. If highway traffic triples in the near future as experts expect, the immensely expensive interstate highway system now being built will not be able to sustain the burden.

A functioning network of passenger railroads connecting major points in this nation is not a matter of nostalgia and romance; it is a practical necessity. The first duty of the I.C.C. is to stop finding excuses for discontinuance of service and act upon the recommendations of this landmark report. If the preservation of adequate service ultimately requires government reforms, that is the responsibility of the President, the Department of Transportation, and especially of the Congress. The I.C.C.'s duty is to stop pampering the railroads it is supposed to regulate and to begin protecting the defenseless traveling public.

PUTTING OUR ECONOMY THROUGH A WRINGER

Mr. HARTKE. Mr. President, on April 2, in speaking about the Tax Adjustment Act of 1968, which will presumably soon come before us again in the form recommended by the conference committee, I quoted a number of statements by Prime Minister Wilson. They sounded remarkably like those made now in arguments for the tax increase, travel tax, and other measures which are equivalent to the British "belt tightening." For example, there are these:

Action is needed . . . to redeploy resources . . . and check inflation . . . by cuts in the present inflated level of demand . . .

The Treasury has . . . put a surcharge of 10 percent on (certain duties) and on Purchase Tax. Thus for goods now chargeable at 10 per cent the new effective charge will be 11 per cent . . .

The Government are introducing a number of deferment measures which will reduce demands on resources . . .

Private overseas expenditures must also make its contribution. . . . The amount of foreign exchange which may be bought for journeys . . . will normally be limited to £50 per person.

Within each major area we have of course been highly selective in the cuts we have made . . . We propose to cease to provide free milk in secondary schools . . . The capitation grants to direct grant schools will be reduced . . .

The Government has decided to reduce planned approvals of new houses by 15,000 . . . Overall expenditures on roads will be reduced so as to produce savings of £53 million . . . Assistance to public pasenger transport . . . is being limited to £10 million.

Special measures must be taken to arrest the growth of the number of people employed in Public Service . . . no further net increase in the number of cvill servants as a whole . . .

Mr. President, every one of these statements has its parallel in the arguments being made for cutting back on our expenditures, for taking money out of the spending stream in the private sector, for reducing the costs of operating the Federal Government.

As I stated in the portion of my April 2 speech headed "The Dangers of Austerity," the purpose of the British effort has been identical to our own. Specifically, Prime Minister Wilson said, "that action was needed for the purpose of making a direct impact on our balance of payments." The purpose has been the same; the remedies advanced have been the same; and it might very well be supposed that the results will be the same. It is that very probability which is so disturbing to me.

For the result, I believe, is inevitably a damaging slowdown in the economy in which, as in Britain, unemployment will rise; income will be reduced and consequently expenditures will be smaller by the people who consume the products of the economy and by the Government as well; and, as Prof. Milton Friedman has said in a column published in Newsweek, which I placed in the RECORD yesterday, the $10 billion surtax in our economy "would not even come close" to killing inflation.

Recently, Britain's Chancellor of the Exchequer, Roy Jenkins, announced a new budget which includes a tax rise of $2.2 billion over a full year—the equivalent of $20 billion in our economy. Yet, even with such harshness, and in spite of—or perhaps rather, partly because of—the extreme measures of devaluation, it is anticipated that the average Briton's cost of living still will rise by about 6 percent for the year. At the same time, the target for economic growth is reduced from 4 to 3 percent.

Sacrificing economic growth is a strange way to run a country. It is an economic masochism to thus punish oneself; and as the British by elections have been showing, the public is rebelling against the lash of such harsh counterproductive policies. If we follow the British example, purchasing a better balance of payments at the cost of our overall economic welfare, what will be the result?

Recently the AFL–CIO News reprinted a discussion of the situation which appeared in the Washington Post under the byline of its business and financial editor, Hobart Rowen. The title puts the objections I have so often raised in a capsule form: "Sacrificing Economic Growth a Strange Way to Run a Country." This is, as the subhead said, confusing ends and means. As Mr. Rowen puts it:

It seems rather strange that the only way modern democracies have found to handle their intricate international financial payments problems is to put the home economy through a wringer. . . . It seems topsy-turvy reasoning to be applauding . . . an American policy designed to half growth that exceeds a 4 percent level.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the AFL–CIO News, Apr. 20, 1968]

CONFUSING ENDS, MEANS: SACRIFICING ECONOMIC GROWTH STRANGE WAY TO RUN A COUNTRY

(NOTE.—The following column by Hobart Rowen, business and financial editor of the Washington Post, appeared in the Post on April 7, 1968. It is reprinted here with the permission of the Washington Post Co.)

Winston Churchill once said that he did not become Britain's prime minister to preside over the liquidation of the Empire.

But the present chancellor of the exchequer, Roy Jenkins, facing the harsh realities which find his country living beyond its means may, by turning the economic screws, be presiding over the metamorphosis of Britain from a major world power to a small one.

Two weeks ago, Mr. Jenkins produced a new budget for Britain that raises taxes at the rate of $2.2 billion over a full year. For the British, this is a stunning amount. A comparable tax increase in our economy would be something on the order of $20 billions.

The whole program is designed to permit devaluation to work. The theory is that taxes on motoring, liquor, tobacco, and consumer luxuries will dampen demand at home, and force more of a rising British output into export channels.

Thus, the British public would "purchase" a balance of payments surplus by cutting their living standard at home. The cost of living for a British subject, counting the effects of the tax increase and last November's devaluation of the pound, apparently will rise about 6 percent.

Since wage increases are to be limited to 3.5 percent, it becomes clear why Jenkins himself said it would be a "hard slog" for the next two years.

In his discussions with key officials here this past week, the British chancellor no doubt discussed the striking areas of comparability between the American and British problems.

Luckily, our own excesses haven't matched those of the British, and the tax medicine that Congress may feed us may not be so bitter.

But it seems rather strange that the only way modern democracies have found to handle their intricate international financial payments problems is to put the home economy through a wringer. Are depression and unemployment the only ways of solving these problems?

One wonder whether any American Administration would ever be able to get away with the punishing kind of austerity that Jenkins devised. He lowered the target for economic growth from 4 to 3 percent. His expectation is that personal consumption will be reduced by nearly 2 percent, instead of rising by 1 percent.

Response among businessmen and economists in Britain has been favorable: most feel that the deflationary package was necessary—a kind of "last chance" for Britain.

If there has been any "overkill," it may be apparent on the political front. The by-elections seem to suggest that the British public doesn't take too kindly to the idea that there can be no boost in the standard of living for the next couple of years.

This is a human and understandable reaction. Like M. I. T. Prof. Robert Solow, I am depressed that the automatic reaction here and in Britain to repeated monetary crises is to resort to deflation.

When everything is sacrificed to solving the balance of payments problem, as Solow says, we confuse the end with the means. This isn't to say that either Britain or the U.S. could continue to have perennially big deficits.

But it seems topsy-turvy reasoning to be applauding a British budget because it is so "harsh," or an American policy designed to halt growth that exceeds a 4 percent level.

Mr. Jenkins' counterpart, Treasury Sec. Henry H. Fowler, has just had a great success at Stockholm by assuring our friends that an appropriate slow-down in the American economy would be enforced.

Something would seem to be screwy somewhere.

But if there is a glimmer of hope out of all of the confusion that began with devaluation of the British pound, it is the partial step toward gold demonetization that is inherent in the two-price system.

One even hears suggestions in highplaces that in any new crisis, the powers that be would go all the way to a full demonetization, instead of yielding to the temptation of raising the price of gold.

For that we can thank the speculators and M. deGaulle. They may have forced us, unwittingly, onto the right track.

THE POOR PAY MORE FOR UTILITIES

Mr. METCALF. Mr. President, one reason why the auto insurance industry is under investigation is because of the discrimination by some companies based on the location of a man's residence. If he lives in a poor neighborhood, he is rated, and has to pay more than he would if he lived at a better address.

One of the reasons why the utility industry should be under investigation is because some utilities engage in this same practice .

We all know that a "good" address and a good credit rating are not synonymous. It is grossly unfair to require a payment by a person who may have an unblemished record while waiving payment for a person whose credit rating may be low. Yet the situation exists. As summed up in a recent Electrical World editorial:

Today it's not uncommon to require service deposits equivalent to one, two or more months' bills throughout the ghetto areas without considering who the applicant is or what credit risk is involved in serving him.

Utility bills are a large percentage of a poor family's budget. As a public welfare administrator wrote me last fall:

Utility charges . . . is an area where poor people suffer the most. Many of the poor in Baltimore have housing that is heated by gas space heaters. This means that utility charges often run as high as $50 per month during the winter.

The Baltimore city public welfare allowance for utilities is approximately $15 per month. Coupled with the fact that our rent standards are based on a 1952 survey, you can readily see how the poor are suffering.

According to Electrical World, the local electric utility, Potomac Electric Power, is one of the power companies that requires a deposit from persons living in a designated poor-risk area. The District of Columbia Public Service Commission is currently considering complaints from the Shaw area that Washington Gas Light is demanding high deposits in that area.

Union Electric, in St. Louis, asks for a 2-month deposit from all new service applicants who live in what the company calls poor economic areas, according to Electrical World. The deposit is returned, with interest, after 3 years. However, acquiring enough money to make such an advance deposit presents a real hardship for many poor families.

Mr. President, in my opinion every agency of government, every corporation, needs to rethink and reshape its policies, as necessary, to assure that its policies do not hurt those who need help most. Regulatory commissions can exercise leadership in this particular issue, by obtaining and disseminating the facts about advance deposit policies of utilities under their jurisdiction. The action of the District of Columbia Public Service Commission in this respect is noteworthy.

Unfortunately there is little public information available about the policy of utilities on advance deposits. The Electrical World editorial to which I referred, and which I shall place in the RECORD, was based on the magazine's investigation on only 10 utilities. Utilities are not presently required to report this information in their annual reports to Federal regulatory commissions. This deficiency in the reporting system would be corrected through passage of my bill, S. 2933, the Utility Consumer Counsel Act. However, it is my hope that both the Federal Power Commission and the Federal Communications Commission, through existing general authority and without awaiting a specific statutory mandate, will forthwith ascertain and publicize the advance deposit policy of each electric, gas, and telephone utility under their jurisdiction. I urge the utilities to review their own policies and abandon policies which discriminate against poor neighborhoods. Detroit Edison has already made such a change, which is reported in the March 4, 1968, Electrical World article, "Customer Deposits Under Fire," to which I have referred.

Mr. President, I ask unanimous consent to insert in the RECORD that article, the Electrical World editorial of the same date, "Let's Not Make This Summer Longer and Hotter," and the March 1, 1968, article from the Washington Post, "Gas Rates Hurt Poor, PSC Told," by Stuart Auerbach.

There being no objection, the article and editorials were ordered to be printed in the RECORD, as follows:

[From the Electrical World, Mar. 4, 1968]

CUSTOMER DEPOSITS UNDER FIRE—MINORITY GROUPS CHARGE AREA-BASED DEPOSITS ARE UNFAIR—DETROIT EDISON SHIFTS POLICY

Utilities which require deposits from customers because they live in low-income areas could be in for trouble in the months ahead, confronted with the charge that such a policy is based on racial discrimination.

While most utilities contacted by *Electrical World* in a spot survey either require deposits from virtually all customers, or base the deposit requirement on a person's credit rating, there are some others which require deposits from individuals living in "high-loss areas." In neighborhoods where there is a history of non-payment of bills, these utilities ask for security before providing service.

Leaders of minority groups have been complaining that such a policy constitutes discrimination—that a man's address doesn't indicate whether he can pay his bills on time or not.

Says Henry Lee Moon, a Washington, D.C., spokesman for the National Association for the Advancement of Colored People, "Deposit policies are part of the total problem we face as consumers."

He adds, however, he doesn't object to policies based on credit ratings "if they are applied equally among the races. But too

often the Negro is discriminated against, and the NAACP is against deposit policies based on regions."

Floyd McKissick, national director of the Congress of Racial Equality, speaks in stronger terms of the region-based deposit requirement.

McKissick says CORE is "talking with its counsel" about bringing legal action against the utilities that use regional deposit policies, and that CORE is "working with other civil rights groups to affect a change in those policies."

Tony Perot, CORE's national program director, says that the organization is developing a survey on customer deposit policies "from city to city, documenting patterns across the country." He adds that deposits required from low-income groups "are similar in most major cities."

Although CORE would like a legal precedent, Perot feels that the courts would probably rule in favor of utilities, which can show a relatively high incidence of default among low-income groups. Therefore, attempts to change service deposit policies could be "based on a protest focus," rather than through court proceedings.

Of the ten utilities contacted by EW which serve large urban areas, two set their deposit policies by regions—Potomac Electric Power and Union Electric. Pepco requires that if a person lives in a designated poor-risk area, he must put up a deposit—ranging from a minimum of $10 to $100 for those who have been delinquent in the past or who have had their service discontinued. If the customer pays his bills on time, he can request that the deposit—with interest—be returned.

Union Electric asks for a two-month deposit from all new service applicants who live in what the company calls "poor economic areas." The deposit is returned, with interest, after three years. Thus far there has been no community pressure on either of these utilities to alter their polices.

One utility which has experienced community pressure—and as a result changed its deposit policy from a regional to personal-credit basis—is Detroit Edison. What happened in Detroit could happen elsewhere.

Until last summer, DE required a two-month deposit from all applicants whose addresses fell in "high-loss areas." But according to the new policy, DE asks deposits only when customers "show no evidence of ability to pay their bills." If after 90 days a bill is still delinquent, DE requires security, in addition to full payment of the bill.

Some observers saw the change as a move to appease minority groups since the shift came so soon after the riots. This was definitely not the case, however. The decision to revise the policy came more than a month earlier, and was affected principally by a small group of mothers and their backers.

In September, 1966, the group of mothers, who were receiving Aid to Dependent Children [ADC] benefits, and who called themselves the West Side Mothers, complained to the Michigan Public Service Commission about the cash deposit requirements of the electric, gas, and telephone utilities. They contended, among other things, that because of their limited income, the deposits presented a financial hardship and therefore operated unfairly against the poor.

According to DE, this complaint, along with some others, caused the utility to re-examine its credit policies.

The West Side Mothers, who were organized by the Detroit Chapter of CORE, number only 25 or 30. Their family income ranges from $128 a month for a family of two to $296 for a family of eight or more. The mothers' chief complaint was that the combined deposits required by the three utilities could drain the family of more than a month's income.

Actually, Detroit Edison's deposit requirement was only $20, refundable with interest after two years, and for persons receiving government aid was sometimes paid by the Michigan Department of Social Services. This was not the case for persons receiving Aid to Dependent Children, however, which is the type of support received by the West Side Mothers.

To help the mothers in their fight, CORE contacted the office of the Urban Law Program at the University of Detroit, which filed a formal complaint before the Michigan Public Service Commission. The ULP, supported by federal funds, is staffed by law students who handle civil and criminal cases for low-income groups.

The PSC, headed by Peter B. Spivak, heard the complaint, and steered the issue into private meetings with each utility. DE representatives told Spivak "that the administration of policies has led to discrimination by the failure to evaluate persons on an individual basis." At the meeting, the utility agreed to discuss the problem with the West Side Mothers and the Urban Law Project to see what steps could be taken to alter the situation.

In less than six months DE had satisfied the mothers that the utility would return to a deposit policy based on individual credit standing.

By settling the issue informally, DE avoided what might have been a long legal controversy. DE fought the complaint at the very outset—even denying its legality. But CORE was equally determined to have a precedent set before the PSC.

The Urban Law Project had asked PSC to "call a hearing to inquire into the deposit policies of the utilities and generally into the administration of policies as they effect those of low income."

DE's attorneys immediately called for a dismissal, charging that: Neither the mothers' group nor its chairman were customers of DE and therefore could not legally complain; that law students under the Urban Law Program could not legally represent the complainants; and that the PSC was powerless to prohibit the service deposit on the grounds that it would result in an unconstitutional usurpation of legislative power."

In December, 1966, a formal hearing was held on DE's motion to dismiss, but no ruling was handed down. PSC Secretary Knight D. McKesson was assigned to moderate meeting with the utilities. He said that the matter never should have been brought before the PSC on a formal basis.

"There always was an issue. There was no reason at the time for it to be resolved by formal hearings. A simple letter to the commission could have lead to a proper investigation," he said.

Three months after the formal hearings the mothers group severed relations with the Urban Law Program. Somewhere there had been friction. One observer theorizes that CORE, which had retained ULP, had its eye on a longer range goal—that of ending economic discrimination against an entire minority. The mothers, however, were simply pushing for the more immediate goal of exemption from deposits. The mothers complained privately that CORE wasn't passing word of the meetings back to them, so they apparently decided that CORE's dominant role could be minimized if the counsel CORE chose could be dumped. Once this occurred, the mothers finally sat down at the table with the utilities.

With the field reduced to principals, the list of unresolved issues began to dwindle. According to McKesson, "When we met with the women they began to understand why certain deposits had been put into effect . . . and the utilities began to understand why these people should be treated as individuals . . ."

On July 11, at the last day of talks, DE announced its policy revision that affected not only the West Side Mothers but the utility's entire franchise area. Although the mothers' victory was complete, CORE's was not. Settlement had been reached at the table, not in formal proceedings, so CORE's desire for legal precedent was never satisfied.

Attempts were never made to establish what lead to the service deposit problem in the first place. Spivak left it unresolved by stating: "It may have been partially the fault of those with traditionally poor credit, or partially the fault of utilities . . . or there may be no fault involved. It may be because over a period of time something new has grown up within DEs service area and that of other utilities."

DE now lines up with most other utilities contacted by *Electrical World*—which either ask almost all customers for deposits, or base the deposit on personal credit.

Consolidated Edison, N.Y., for example, asks for a two-month deposit for all new customers—unless the applicant has been employed at least three years with the same company. Niagara Mohawk, requires a two-month deposit, but limtis the requirement to those lacking good credit ratings.

Commonwealth Edison, Chicago, doesn't require a deposit from residential customers as long as one of four criteria are met: If an applicants payment record at another address within Commonweath Edison's service area or that of another utility has been satisfactory; if an applicant has been employed continuously for two years; if he owns the residence which is to be served; or if he has an established credit card. The deposits range from $15 to $75 and are designed to cover the normal billing periods.

Until the fall of 1965, Cleveland Electric Illuminating required new csutomers "of unknown credit risk" to put down 130% of a given month's bill, or on the average between $10 and $25. Tests showed that only 35% of the customers defaulted, so the practice was changed. As a cost-saving move, initiated by the utility and not the result of any pressure by segments of the community, the policy was changed so that no deposit is required unless a customer defaults during his first 12 months of service. Should the customer default, the utility asks the 130% deposit, returnable with interest at the end of a year, after the customer has reestablished his credit.

Pacific G&E doesn't require its normal two-month deposit if an applicant either owns his own home; has been in the same job over a year; or holds a "reasonable" job. PG&E has some 130 offices and many employees taking applications, so there are very broad judgments involved when establishing what a "reasonable" job is.

If a customer of the Los Angeles Dept. of Water & Power has either a good-paying record, active charge accounts, continuous employment for one year with an established firm, or if he is a property-owner, he doesn't have to pay the $15 deposit. Although the department has received some complaints about its policy, when the callers learned that the policy is citywide—not restricted to any zone—complaints were dropped. While neither Congressman Edward R. Roybal, a Democrat whose constituency is chiefly Mexican-American, nor the East Los Angeles Service Center has received complaints, the center's director feels the service deposits probably represent an additional difficulty to newly-arriving Mexican-American and Negro families.

Florida Power Corp.'s policy is for everyone in the service area to pay a flat two-month deposit, returnable when a customer leaves the area.

[From Electrical World, Mar. 4, 1968]

LET'S NOT MAKE THIS SUMMER LONGER AND HOTTER

Summer's coming and trouble is brewing over service deposit policies! Never a popular aspect of utility credit and collection pro-

cedures, there are growing signs that the practice of requiring sometimes sizable cash service deposits in certain areas is about to become the target of an organized campaign by minority group organizations, relief recipients, and others. If utility management is as sincere as it seems in its avowed intention to make a conscientious contribution to solving social-environmental problems in urban ghettos and depressed areas, a good place to start would be with *prompt*, thoughtful, re-evaluation of company service deposit and cut-off policies.

Today it's not uncommon to require service deposits equivalent to one, two or more months' bills throughout ghetto areas without considering who the applicant is or what credit risk is involved in serving him. This practice has certain basic flaws. These flaws have their foundation in discrimination, because similar deposits are not so universally required in the so-called high-rent or silk-stocking districts. Recognition of this basic flaw in area-based deposit policy is growing among regulatory and legislative bodies where it is finding scant support; sometimes outspoken opposition.

A more enlightened service deposit policy is one that takes careful account of individual credit ratings. Where a particular rating is questionable, a deposit is required that may be one or two months' service bill—depending on the billing period. But this deposit, more often than not, is refunded with interest at the end of a year or so of satisfactory credit performance. In fact there are instances where some utilities have won wide commendation from customers by extending long-term credit during strikes or sustained periods of unemployment to customers with good credit records.

It may be a truism, but it is certainly not trite, to say that the essential ingredient of any sound service deposit policy today must be its equitable and indiscriminate application to all customers throughout the service area without regard to the economic character of the area. Moreover such policies need to recognize the credit rating of the individual over and above the collective credit reputation of the area in which he lives.

And while we are dealing with the sensitive and unpopular subject of service policies, let us not fail to recommend the review by management of company policies governing disconnection of services for non-payment . . . with particular reference to the circumstances and frequency of application in ghetto areas.

By all indications there's another long hot summer ahead. It makes no sense at all to perpetuate policies that will make it longer and hotter.

[From the Washington (D.C.) Post, Mar. 1, 1968]

GAS RATES HURT POOR, PSC TOLD

(By Stuart Auerbach)

A Shaw area consumers group yesterday accused the Washington Gas Light Co. of discriminating against the poor by demanding high deposits and charging unusually high rates in slum areas.

The complaint was filed with the District's Public Service Commission and served on the gas company. PSC Chairman George A. Avery said a hearing may be held after the gas company files an answer and if the Commission decides the complaint has substance.

The gas company denied the charge. A spokesman, Jack Raymond, said people with poor credit must pay deposits no matter where they live. Credit, he said, is determined by employment stability, bill-paying habits and other criteria.

"The gas company is eager to learn the specifics of the cases referred to in the complaint," Raymond said. "If there is indeed evidence that anyone at the gas company is discriminating against any group of customers we want to know about it and do something about it."

The Consumer Action Committee of the Urban League's Neighborhood Development Center detailed its complaints during a press conference at its headquarters, 1009 New Jersey ave. nw.

One woman, Jennie Lee Dozier, said the gas company demanded a $135 deposit when she lived at 66 K st. nw. and used gas for cooking and heating. When she moved seven months ago to 57 K st. nw., she asked for some of her deposit back since she used gas only for cooking.

The gas company refused, she said, even though she does not owe it any money.

Raymond, the gas compainy spokesman, promised to look into the case. He acknowledged that the $135 deposit was unusually high.

The formal complaint cites a four-month survey conducted in the Shaw area last fall. Of the 209 persons questioned, 21 per cent said they had to pay more than $25 in deposits. One deposit was as high as $150, the complaint said.

Raymond said that amount is "ridiculously" high. "It's obviously an error"—either by the gas company or the consumer group, he said.

The consumer group survey showed the belief that gas bills were too high. "A bill of $80 for one winter month for a two-bedroom unit was not uncommon," the complaint said.

Marian Anderson, 21, a mother of three children, said the gas was turned off after she could not afford to pay a $96.41 bill for January and February. She said the company refused to let her pay part of the bill now and make up the difference in the summer, when she does not need gas for heat.

She said she had been living with the limited warmth of an electric heater and cooks on a hot plate.

The complaint, prepared by Neighborhood Legal Services attorneys Paul F. Cohen and Susan Freeman Shapiro, requests an investigation to see if the gas company policy discriminates against the poor. It also asks that deposits be abolished and the PSC see how the deposits are used by the gas company.

SENATOR ERNEST GRUENING HONORED BY MARGARET SANGER AWARD IN PUBLIC SERVICE

Mr. TYDINGS. Mr. President, earlier this month in Cincinnati, Ohio, our friend and colleague from Alaska [Mr. GRUENING] received the Margaret Sanger Award in Public Service for his work to make family planning information available upon request at home and overseas. He pioneered in introducing in 1965 the first legislation, S. 1676, which would authorize the Federal Government to coordinate and disseminate—on request—information on birth control. I am proud to be a cosponsor of that bill.

The in-depth hearings that Senator is holding on the population crisis and S. 1676 have opened wide the population dialog, and they may be credited with helping establish a greater national consensus on family planning and responsible parenthood as well as giving some long overdue direction and coordination to Federal Government family planning programs. The hearings to date constitute the most complete compendium on population crisis ever made available. They are indexed. The Population Reference Bureau has called them Population Baedeker, a proper comparison with the most informative travel books ever published.

The citation accompanying the Margaret Sanger Award in Public Service says the hearings "already have been instrumental in achieving a substantial expansion of foreign aid in this field," and "have also assisted in vividly illuminating the unmet needs for family planning in the United States."

The Senator from Alaska [Mr. GRUENING] is the first Member of Congress to receive the Margaret Sanger Award.

First established in 1966, the Margaret Sanger Award was given that year to President Lyndon Baines Johnson for world leadership; to the Reverend Martin Luther King, Jr., for leadership in human rights; to Dr. Carl G. Hartman for his contribution in medicine; and to Gen. William H. Draper, Jr., for public service. Last year the Margaret Sanger Awards Committee decided to make only one award annually. The 1967 recipient was John D. Rockefeller 3d.

We live in times which present undreamed of challenges. Perhaps the biggest is the worldwide population explosion and what it is doing to the quality of man's life on earth. I believe we can solve it, and I know that we are closer to solving our population crisis because of the sincere efforts being made toward finding acceptable solutions by men such as ERNEST GRUENING.

Mr. President, I ask unanimous consent that the full text of the Margaret Sanger Award in Public Service to ERNEST GRUENING be printed in the RECORD.

There being no objection, the text of the award was ordered to be printed in the RECORD, as follows:

THE MARGARET SANGER AWARD IN PUBLIC SERVICE TO ERNEST GRUENING

This award is presented to Ernest Gruening for his outstanding public service to the cause of family planning for over half a century.

Throughout his career, as a distinguished journalist, public official and member of the Senate from the State of Alaska, he has been in the vanguard of efforts to bring into being a responsible, effective population policy by the United States Government at home and throughout the world.

Senator Gruening met Margaret Sanger in the early days of the birth control movement and became a pioneering advocate of her work. He was a sponsor of the First American Birth Control Conference, and a member of the National Council of the American Birth Control League.

While in Federal service, as Director of Territories and Island Possessions, he led the first successful efforts to establish publicly sponsored birth control clinics in Puerto Rico and other areas.

In this decade, as Chairman of the Government Operations Subcommittee on Foreign Aid Expenditures of the United States Senate, he has exhibited rare foresight and leadership in focusing public attention on the responsibilities of the United States and its government with regard to global needs for voluntary fertility control.

The hearings he conducted have yielded the most complete body of documentation in behalf of family planning ever assembled, and already have been instrumental in achieving a substantial expansion of foreign aid in this field. They have also assisted in vividly illuminating the unmet needs for family planning in the United States, and

have led to the expansion of both public and private programs to meet these needs.

From the beginning, Senator Gruening has strongly emphasized that voluntarism must be an essential element of government population policy. His advocacy of freedom of choice in family planning for all the world's people reflects the highest tradition of American democracy.

For his courage, his vision, his warmth and personal dedication, for his extraordinary public service, this Award is presented.

GEORGE N. LINDSAY,
Chairman.
ALAN F. GUTTMACHER,
President.

DOWN WIND AND ACROSS THE COULEE

Mr. HANSEN. Mr. President, a few weeks ago I brought to the attention of the Congress a matter of real concern which has become a heated controversy involving some of the citizens of Wyoming. The problem arises over the fate of the wild horse herd in the Pryor Mountain area of Wyoming and Montana. This herd constitutes one of the last remaining vestiges of the wild mustang—our 20th century tie with the Old West.

These horses are in danger of losing their homes, even their lives, as a result of the Bureau of Land Management's efforts to "preserve our natural resources."

In an effort to shed some additional light on this controversy, the Bureau of Land Management recently held a hearing in Powell, Wyo., conducted by two Bureau of Land Management area managers: Dean Bibles, of the Billings office, and Rex Colton, of Worland. The purpose of the hearing was to explain the wild horse situation and to offer alternatives as possible solutions to the question.

I ask unanimous consent to have printed in the RECORD an article entitled "Down Wind and Across the Coulee," written by Wayne R. Breitweiser, and published in the Powell Tribune of April 30, 1968. The Tribune is a semiweekly newspaper serving this area. The article describes the meeting and the alternatives presented by the area managers.

These articles add to the material I submitted on this question on April 26, 1968, which appeared on pages 10810–10815 of the CONGRESSIONAL RECORD.

Further, I ask unanimous consent to include in the RECORD following my remarks, an article, "The Last Roundup," published in the May 13, 1968, issue of Newsweek, and an editorial published in the Casper Star-Tribune, which comments on the Newsweek article.

If we read at face value the Newsweek article and the Casper Star editorial, I fear that this controversy is escalating and that the parties are drawing farther apart rather than closer in their areas of mutual understanding. I am extremely hopeful that the Bureau of Land Management will make an immediate effort to put to rest the change that has been imputed to them and will address themselves as factually as they can to the independent evidence that has been presented regarding the condition of the rangeland in the Pryor Mountain area along the Wyoming-Montana border.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Powell Tribune, Apr. 30, 1968]

DOWN WIND AND ACROSS THE COULEE

(By Wayne R. Breitweiser)

Over 90 people interested in the "wild horse" herd and erosion in the Pryor Mountains were present at Trapper Auditorium last Thursday evening to see slides and take part in a question-answer period conducted by two Bureau of Land Management area managers, Dean Bibles of the Billings office and Rex Colton of Worland.

Bibles presented most of the show and held attention of the crowd by answering their questions thoroughly.

Lovell was well represented by its Chamber of Commerce officials.

Bibles said he and the BLM are in favor of horses in the area, but only if the herd is reduced consistent with proper management of the watershed and wildlife habitat.

Some people in attendance, evident by their questions, seemingly couldn't understand what a large horse herd has to do with proper care of the soil and vegetation of the area.

According to figures presented, the poor condition the wildlife habitat is in at the present time, one horse would need 400 acres to feed for one year. The horse herd is estimated at 200 now, so 80,000 acres are needed. Something has to give way as there are only 22,815 total acres in the area.

The 400 acres per horse per year may seem tremendous, but when you consider that rocky terrain and forest, absent of forage, takes much of that total, it isn't hard to figure. And too, on the slopes and valleys where the land is fairly smooth, pictures showed practically no vegetation, which is caused by over-feeding.

The disputed area is that on the southern slopes of East Pryor Mountain from Crooked Creek east to the East Pryor Ridge. In this area, BLM controls 11,000 acres in Montana and 2,000 in Wyoming; there is a national park area just over 500 acres; and over 9,000 acres in a wildlife area.

Bibles, who recently was appointed chief of the Billings area BLM office, presented three alternatives, which he hopes the people, who actually own the land, will choose one and send it to the Billings office. They are:

(1) management for maximum horse use consistent with proper management of watershed; (2) management of watershed, wildlife habitat, and horses consistent with all uses; (3) removal of all horses, closure of area to horse use, and management of wildlife habitat and watershed.

This would mean:

(1) Reduce horse herd to 30–35 select animals, horses would have priority over wildlife, reducing hunting, introduction of bighorn sheep would not be permitted.

(2) Reduce horse herd to 10–15 select animals with potential of 30 which would be maintained until such time native grasses recover and watershed is stabilized. Wildlife would also be maintained.

(3) Corral all horses, return branded or claimed horses to rightful owners, sell remainder at auction. Following removal big game habitat would be managed to maintain present deer numbers and introduce bighorn sheep herd, population to be controlled through sport hunting.

When asked what the fourth alternative is, Bibles retorted, in about these words, "let the horses multiply until they all die of starvation."

The Lovell group came armed with their own "facts about the wild horse situation near Lovell, Wyo." They indicate a willingness to cooperate with BLM in cutting the herd in half; they favor introduction of bighorn sheep to the area; but they feel "continuity in the BLM's administrative program is one of the problems. We were promised an adequate horse herd by the previous administration and asked to assist in over-all development of the area."

The Lovell facts continue "we are concerned about the historical aspect of this herd! As such it would make a worthwhile contribution to the viewing public and enhance the economy of the entire area. Construction of the proposed roads will make this area accessible to all adjoining towns. This area is on the main tourist route to Yellowstone Park and therefore could easily be viewed. . ."

Bibles consented that some of the horses in the Pryors show signs of descendant to the Spanish Mustang, the only recognized wild horse, but many are branded and most are stray horses from ranches in the area.

If the past administration at the Billings BLM office had maintained the horse herd, probably all the controversy wouldn't now be taking place; and if roads are built all over the area—how can the herd remain supposedly "wild"? As for being on the main Yellowstone Highway, it is nearly 20 miles off the highway, unless the herd is finally contained within the Big Horn National Recreation Area.

When someone asked Bibles, "what will the tourist see if the herd is reduced?" he answered that as a BLM and public employee, it is his duty to see that the land is rehabilitated first; horses can come after that!

Bibles asked his listeners to pick up one of the three alternatives and mail to him before next June 14. Send to: District Manager, Bureau of Land Management, 3021 Sixth Avenue N., Billings, Mont. 59101.

[From Newsweek, May 13, 1968]

THE LAST ROUNDUP?

The closest most dudes ever get to a wild horse or "mustang" is when the "Late Show" reruns "The Misfits." Arthur Miller's 1961 film, co-starring Clark Gable and Marilyn Monroe, exposed the operations of the mustangers—itinerant wranglers who ran down the wild steeds with jeeps and airplanes, then packed them off to dog-food canneries at 4 cents a pound. Miller, in fact, was employing dramatic license; Federal legislation had outlawed such horse-corralling techniques two years earlier.

Nonetheless, the fabled mustang remains as much in danger of losing his home on the range as the bison and bighorn sheep. Inbreeding, encroaching civilization and a scarcity of grazing forage have trimmed the numbers of the spirited little beasts—some direct descendants of horses imported to the New World by the Spanish conquistadores—from 3.5 million in the 1870s to fewer than 18,000 today.

A classic chapter in the struggle is now unfolding among the sagebrush-tufted buttes of the Pryor Mountains on the Montana-Wyoming border, the desolate country of Custer's Last Stand. Some 200 graceful mustangs roam 22,815 acres of Federal grazing land in bands of six or eight, each composed of a proud, watchful stallion, and his harem. During the past decade, the herd has served as a colorful if elusive tourist attraction. But now the Bureau of Land Management, the powerful government agency that oversees such Federal acreage, is threatening to sell horses to dealers who, in turn, would reduce them to horsemeat.

The BLM claims that the mustangs are defoliating the range at a rate ruinous enough to threaten the survival of young mule deer. "Overgrazing," says BLM official Dean Bibles, "has had a disastrous effect on the land resources." Accordingly, the agency has proposed three courses of action; reduce the herd to 30 selected animals and maintain that number until the watershed stabilizes; reduce the herd to fifteen animals until the natural grasses recover, then let it grow to

30; or corral all the horses and auction them off.

REMOVEST

To the concerned citizens of Lovell, Wyo., the tiny community (population: 2,700) that borders the BLM range, these choices simply translate into "remove, remover, removest." "No one disagrees that the land is overgrazed," allowed 51-year-old Royce Tillett, a lanky rancher who has championed the mustangs' cause. "But we want a herd large enough—say at least 100 horses—so they won't inbreed and spoil the mustang blood."

The shoot-out has grown increasingly bitter. The BLM has implied that the Lovellites are more interested in tourism and publicity than the fate of the land; mustang preservationists on the other hand, have labeled the BLM "armchair naturalists" and "horse haters." Recently, the government agency received a pack of protest letters from a group of Lovell fifth-graders, one of which began "Dear Horse Thievers . . ." Says a BLM spokesman with a rueful shrug: "We're the guys in the long mustaches and black hats."

The inevitable losers are the mustangs, creatures so wild they will die of thirst rather than approach a water hole if a man is present. As the controversy now stands, the BLM is adamantly sticking to its guns and has set June 14 as the day of final decision. An auction of some scope seems assured—and a few Lovellites have decided to make the best of it. Andy Gifford, a local rancher, admits he intends to bid on the horses for resale to dog-food packers, "I don't want to see it," he says. "But that's what I'll do—and there are four or five other horse dealers around here just waiting to do the same."

[From the Casper Star-Tribune, May 11, 1968]

THE STAR-TRIBUNE THINKS: WILD HORSE DISPUTE

"The BLM has implied that the Lovellites are more interested in tourism and publicity than the fate of the land."

So states a quote in an article on the wild horse controversy appearing in the May 13 issue of Newsweek Magazine.

Such a statement is sure to rankle the people of Lovell, as well as all westerners and indeed, all horse lovers, who seek to preserve this little pocket of rangeland in the Pryor Mountains along the Wyoming-Montana border as a home for the vanishing mustang.

The BLM position, if quoted accurately, belittles the sincere effort of many people to preserve this heritage of the West.

The Bureau of Land Management, which plans to trap the horses on June 14, and eliminate all but about 30, has turned to the time-honored cliche of "soil erosion" to counter the clamor of the "horse lovers".

How many people, tourists and otherwise, would see 30 horses on a range of 30,000 to 40,000 acres?

A professional range management consultant has surveyed the area and estimates it can support about 100 wild horses, without damage to the range. This is less than two nags per section. He once worked for BLM, too.

In a region of six to seven inches of annual precipitation, there will be soil erosion—unless the BLM or some other agency can come up with a reliable rain maker.

Such limited rainfall cannot support a cover of grass and sod. When it does rain, it rains hard. And without grass or roots to hold the soil, there will be gully erosion. The sediments will wash down the gullies and spread out on the deltas and benches, forming new ground. That is how the country was made, and is still being made.

The BLM cannot plant any grasses or forage in such an area to protect the soil, whether or not the horses are around.

Only the native plants such as salt sage, brown sage, rabbit brush and some sparse grass in the bottom of the draws can survive.

This natural feed has been sufficient to support the wild horses in the area since the early 1800s, along with some deer and cottontail rabbits.

The ranchers in the area do not consider it good cattle or sheep range, since there are few watering places.

Easterners and many other "conservationists" have little conception of this type of range. To say that the soil is being eroded is like waving a red flag, which the BLM probably knows quite well. But geologists, for instance, can understand that erosion is a continuing process that tears down some land and builds up other, and it doesn't end because Man may think he can control all of the forces of nature.

We believe the soil erosion argument in this case is a slap against the people of the Big Horn Basin who are interested first in preserving the wild mustang and only incidentally in the influx of tourist dollars. There are enough other attractions in the new recreation area to bring in hordes of tourists.

INDIANA CITIZENS URGE RATIFICATION OF CONVENTIONS IN HUMAN RIGHTS YEAR

Mr. HARTKE. Mr. President, a group of some 30 citizens of the South Bend, Ind., area recently addressed an appeal to the chairman and members of the Foreign Relations Committee in connection with the observance of 1968 as the International Year for Human Rights. They commended the committee and the Senate for acting on the Convention on the Abolition of Slavery and appealed for action on four other conventions now pending before the committee. They are the conventions dealing with genocide, freedom of association and organization, political rights of women, and abolition of forced labor.

To many citizens, and I think rightly so, it is a mystery why a nation having the long history of practice of such rights remains unwilling to go on record internationally in their support. But it is rare in my experience to receive a plea for action on such issues from a group of concerned citizens as these, who sent me a copy of their statement. I ask unanimous consent that the text of the appeal and the names of the signers be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. Chairman and Members of the Senate Foreign Relations Committee, Gentlemen: The undersigned citizens of St. Joseph County in the State of Indiana wish to commend the action of your Committee, and of the Senate as a whole, in unanimously ratifying the United Nations Supplementary Convention on the Abolition of Slavery in November of 1967.

We note that in ratifying the Charter of the United Nations, this country pledged itself to take action to achieve "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

In keeping with our pledge and in this year of 1968, "International Year for Human Rights", we urge the Senate of the United States to ratify the following conventions presently pending.

1. Convention on prevention and punishment of the crime of genocide.

2. Convention concerning freedom of association and the right to organize.

3. Convention on political rights of women.

4. Convention concerning abolition of forced labor.

We note with dismay that the record of the United States in endorsing the Universal Declaration of Human Rights has not been good, despite the fact that these principles spring from our most basic national traditions and are found in our own Bill of Rights.

By ratifying the pending conventions the United States can set an example for emerging nations and exert a position of moral leadership for the entire world. Moreover, we believe that a world permanently at peace will be achieved only when these basic rights are guaranteed and practiced by all of the United Nations and all of the citizens of the world.

Sincerely,

Fern M. Barnett, Rev. Philip S. Moore, C.S.C., Mr. Margaret Kertesz, Lois T. Clark, Mrs. Vernon S. Sutton, Stefan I. Nutsz, Irene D. G. Millars, Mrs. Helen E. Spears, Herman L. Carrington, Mrs. Everett Overmyer, Richard H. Reiswehl, Miss Helen O. Weber, Mrs. Zoie O. Smith, Mrs. Alvin Thomas, Marie D. Kleinkoff, Hugh P. Warren, Mrs. Ruth L. Rehm, Mrs. Jem Bennitt, Mrs. Sherman L. Egden, Barbara Sylvester, Roy M. Wilcox, Mary A. Wilcox, Josephine M. Curtis, Mrs. Marion L. Hopkins, Mary Geraldine Hatt, Noel H. Yarger, George C. Beamerop, Joan Meyers, Marion L. Hopkins, James R. Meyers, Velma Kekko.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I remind Senators that a vote will occur on the perfecting amendment offered by the Senator from Massachusetts [Mr. KENNEDY] tomorrow morning at 9:30.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of May 14, 1968, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate recessed until tomorrow, Thursday, May 16, 1968, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15 (legislative day of May 14), 1968:

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

Major to lieutenant colonel

LINE OF THE AIR FORCE

Abersold, Edward G., 38710.
Ackerman, Donald G., 38706.
Adams, Donald F., 40429.
Adams, Gerald M., 39226.

Adams, Robert L., 17928.
Adams, Theodore R., 38543.
Adams, William, 39029.
Adams, William F., 39021.
Addy, Noel D., 40025.
Ahner, Lyle L., 17960.
Aird, William W., 38059.
Akerland, Gustav J., 38682.
Albright, Donald J., 40023.
Alderman, James D., 21526.
Alexander, Martin E., 39093.
Alexander, Richard L., 40378.
Alexander, William, 39404.
Allen, Guy T., 38319.
Allen, Harry G., Jr., 40132.
Allen, James R., 17789.
Allen, Ledewey E., Jr., 22742.
Allen, Milton E., 39392.
Alley, Max P., 39794.
Allison, Russell R., 39807.
Almond, Julius H., Jr., 40373.
Alston, Maurice E., Sr., 40020.
Alvarado, Ricardo R., 26678.
Amador, Earl M., 17944.
Amerman, Roy W., 38656.
Amery, Robert S., 48827.
Anderson, Andrew B., Jr., 17791.
Anderson, Carl A., 17747.
Anderson, James W., 39960.
Anderson, John P., 40205.
Anderson, Marvin J., 39250.
Anderson, Mont R., 38729.
Anderson, William A., 40416.
Andrew, Hugh S., 23877.
Andrews, Melvin H., 52555.
Angenendt, Harry E., 38594.
Anken, Ross J., 38199.
Annis, Edwin C., 40087.
Anspach, Robert J., 39688.
Antonietti, Bruno J., 38691.
Apple, John J., 40289.
Armen, Leslie H., 52466.
Armstrong, Clement H., 38947.
Armstrong, James E., Jr., 25782.
Arnett, Harry L., Jr., 40027.
Arnold, Franklin B., 39257.
Arnold, Robert C., 39167.
Asbury, Richard W., 39196.
Ashbridge, George A., 39302.
Ashland, Maurice I., 37856.
Aslett, Worthing, 40091.
Atkins, Edwin L., 39127.
Atkinson, Marion H., 40487.
Ausburn, Franklin E., 17939.
Avis, Robert F., 38548.
Axmacher, Harold G., Jr., 39708.
Aylsworth, Clark, 39391.
Babler, Leon H., 39355.
Baden, Vernon E., 39693.
Baird, Jacob C., 22736.
Baker, Elmer W., Jr. 40056.
Baker, John H., Jr., 39582.
Baker, Walter H., Jr., 38684.
Baker, William F., 38897.
Baker, William J., Jr., 39428.
Balazik, Joseph C., 39994.
Baldwin, James E. 25806.
Baldwin, Richard F., 38907.
Balega, John L., 24396.
Ball, John C., 22783.
Ballweg, James E., 38316.
Balser, William D., 39928.
Baltrusaitis, William, J., 38879.
Balzano, Daniel N., 39540.
Banks, Ernest S., 39846.
Barber, Alden F., 39150.
Barber, Kenneth H., 17845.
Bare, Merle M., 40871.
Barker, Frank H., 39085.
Barker, Frederick N., 60041.
Barkwill, James W., 22785.
Barnard, Martin J., 17956.
Barneti, James G., 38488.
Barondes, Arthur D., 17774.
Barr, Harold E., 39696.
Barreti, Donald E., 38937.
Barrett, Lewis R., Jr., 37340.
Barrow, James F., 40106.
Barsum, George K., Jr., 39980.
Barta, John J., 39466.
Bartley, George S., 37765.
Barton, Hugh H., 37612.
Bassett, Earl F., 64462.
Bateman, William N., 38844.
Bates, Mary E., 39851.
Batey, Thomas D., 52616.
Baugh, William, 39065.
Baughn, Richard M., 25705.
Baumgardner, Thor P., 40153.
Bavuso, Joseph K., 52488.
Beach, William J., 39780.
Beatty, Charles R., 39795.
Beauregard, Edward C., 39463.
Beaver, George W., 39063.
Becher, Donald F., 38945.
Beck, Harold, 38915.
Beckner, Alfred A., Jr., 38875.
Bedford, Ernest D., 54926.
Bednorz, Everist L., 39690.
Beers, Milton E., 40043.
Behrens, Rae A., 37503.
Bekius, Joseph E., 27699.
Bellamy, William R., 38661.
Bemiss, Robert E., 39395.
Benedict, Warren V., 39223.
Bennett, Benjamin E., 39340.
Bennett, Ernest J., 39640.
Benson, Bradford L., 40897.
Benson, Hollis A., 40326.
Benson, Jack R., 22825.
Benwell, Tommy, 39965.
Bergman, Lloyd H., 38835.
Bergwin, Clyde R., 38793.
Berkenpas, Nephi, 40017.
Bernard, Duane R., 25615.
Bernsen, James M., 64491.
Berrier, Raymond S., 64528.
Berry, Jack W., 39492.
Berry, Richard P., 17840.
Berthold, Oscar A., 39174.
Bertoia, Arthur R., 39080.
Bertoni, Waldo E., 17780.
Best, Warren E., 40055.
Bettis, William E., 40024.
Beville, Jacob E., 38588.
Bianco, Frank J., Jr., 37755.
Bibb, Harry L., 39052.
Biddle, Fred D., 38721.
Bier, Samuel, 39535.
Bigelow, Ralph J., 37495.
Bigelow, Robert O., 39927.
Billings, Gilbert M., Jr., 52579.
Bird, Claude M., 38651.
Bisher, Harry E., 38926.
Bishop, Charles W., 39616.
Bishop, Tedd L., 17951.
Black, Donald C., Jr., 38824.
Black, Harlan K., 38502.
Black, Paul A., 38805.
Blackburn, Denny R., 40182.
Blackman, Robert D., 54928.
Blades, Joseph P., 39429.
Blaine, Jay M., Jr., 39926.
Blakeney, Lewis R., 38477.
Bland, Kenneth R., 22818.
Blank, George W., 39293.
Blecharczyk, Tadeusz, 39824.
Blenis, Ronald D., 52588.
Blickenstaff, Robert, 39375.
Bloodgood, Donal D., 17863.
Blum, Edward H., Jr., 37415.
Blythe, John J., 37788.
Bobbett, Robert L., 38991.
Bogan, Thomas R., 39565.
Bogie, David B., 25522.
Bogusz, Leonard E., 37894.
Bohnhoff, Wilbur C., 39368.
Bolton, Charles F., 40081.
Bolton, Howard F., 39724.
Bolton, James C., 26449.
Bond, Joseph C., 38076.
Booher, John W., 38896.
Borden, Robert E., 40433.
Borsari, Evo E., 39823.
Bortness, Lawrence E., 40420.
Bosch, Frank L., 40853.
Botzong, Wilbur B., 39871.
Bounds, Malcolm S., 38551.
Bowen, Roy M., 38707.
Bower, Archie F., Jr., 39883.
Bowers, John H., 39353.
Bowman, John H., 39417.
Bowser, Kenneth D., 39522.
Boyd, Stanley M., 38524.
Boyd, William C., 28819.
Boyden, Clair H., 39561.
Bozeman, John W., Jr., 39641.
Brackney, Paul J., 39337.
Braddock, James E., 24849.
Bradshaw, Robert D., 40448.
Brandes, Harry E., 38895.
Brandon, Durward, 39716.
Brandt, Robert L., 39509.
Braswell, Arnold W., 17745.
Bratton, Keith D., 39638.
Brauckman, Alvin J., 39803.
Braun, Louis D., Jr., 40506.
Brenholtz, George E., Jr., 39348.
Bressler, Ray B., Jr., 17891.
Brett, Robert A., 40322.
Brewer, Zane G., 39511.
Brewington, Russell D., 23852.
Briggs, Josephus A., Jr., 38963.
Bright, Charles D., 23888.
Brill, Jay R., 17767.
Brinson, Elmo, 38600.
Brinson, Pat D., 17887.
Brion, Leonard L., 52615.
Britton, Charles L., 39834.
Britton, Raymond P., 38858.
Britton, Robert B., 40189.
Broadway, Roy D., 39969.
Brock, Woodrow W., 39038.
Brodersen, Robert E., 28416.
Brooks, Harold C., 39882.
Brooks, William L., 38186.
Brotbeck, Charles B., 38839.
Brown, Calvin W., 49303.
Brown, David A., 39837.
Brown, Edward L., 38565.
Brown, Gerald S., 38627.
Brown, Harry F., 39685.
Brown, James F., 39215.
Brown, James M., 39956.
Brown, John R. Q., 39482.
Brown, Ralph W., 39618.
Brown, Robert D., 40143.
Browning, James H., 39907.
Brudzinski, Walter M., 39333.
Brunetti, Anthony W., 25528.
Bryant, Norman, 38938.
Buchanan, Robert S., 18292.
Buckley, Paul J., 39633.
Buechler, Theodore B., 17833.
Bugg, Radul, 39500.
Bunch, Melvin E., 38669.
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Yeandel, Francis A., 39845.
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Young, Arthur P., 40146.
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Freed, John W., 64893.
Hamstra, Kenneth W., 48620.
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Beckcom, Henry R., 61119.
Bigbie, John D., 59485.
Collins, James F., 76252.
Debacher, Sherman M., 29481.
Dehan, Edward T., 29416.
Dibble, Arthur E., 32575.
Dickson, Donald W., 69743.
Dubois Berton L., 31912.
Duncan, Elmer T., 25483.
Fleming, Lamdyne H., 51570.
Greenwood, Vern R., 49703.
Hayes, Robert W., 25702.
Keefer, William L., Jr., 26389.
Lamberi, Kenneth J., 51354.
Leonardi, Richard L., 76370.
Linthicum, Arthur T., 29482.
Miller, Edward F., 26390.
Nease, William J., 32573.
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Rhoades, John C., 29417.
Robinson, Lucius L., 59558.
Salimeno, Thomas, Jr., 29866.
Scott, Robert H., 55872.
Staerkel, Russell F. P., 51353.
Stanton, Daniel B., 25486.
Stephens, Belton S., 27997.
Walters, Robert C., 55774.
Williams, Donald E., 55773.
Wright, William G., 27650.

MEDICAL CORPS

Atkinson, Roy J., 76224.
Baker, Robert W., 25655.
Brewer, Samuel J., 55761.
Connolly, John M., 26373.
Draper, David H., 26861.
Goodnow, Robert W., 79616.
Grissom, Paul M., 25474.
Hatfield, Theodore R., 27597.
Haycraft, Rexford G., 27647.
Kratochvil, Clyde H., 25663.
Mahaffly, Gerald H., 26369.
Newton, Dwight E., 26699.
Ord, John W., 25701.
Partyka, Leo C., 25479.
Smith, George B., Jr., 29476.
Stone, Frederic A., 27652.
Unger, Howard R., 29809.
Waters, Raymond O., 26385.
Willis, Henry S. K., Jr., 27605.

NURSE CORPS

Cavil, Dorothy J., 32440.
Chandler, Glenna L., 21884.
Collier, M. Irene G., 25753.
Geringer, June H., 59731.
Hinds, Effie B., 49713.
Holt, Virginia J., 59730.
Kennedy, Elizabeth M., 21713.
O'Neil, Mary C., 21017.
Sears, Virginia L., 49714.
Tonne, Mary A., 51365.

MEDICAL SERVICE CORPS

Dillehay, Joseph R., 48957.
Haas, Raymond D., 24241.
Herberholt, Vincent W., 48982.
Holland, James H., 48993.
Horne, James E., 48990.
Hutson, Robert W., 48984.
Kopas, Joseph F., 48981.
Lindsay, Eugene K., 24236.
Metcalf, Robert D., 25681.
Morgan, Fred B., Jr., 21643.
Richardson, Floyd G., 21632.
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Houk, Donald C., 24228.
Howells, William V., 25672.
Mosely, John D., 27529.
Nold, Max M., 23597.
Phelps, Gene C., 24330.
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Terry, John L., Jr., 24232.
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BIOMEDICAL SCIENCES CORPS

Bitter, Harold L., 49024.
Deming, Elsie L., 20901.
Ezell, Manie J., 48983.
Jean, Jack V., 40209.
Kaplan, William, 48976.
Lappin, Paul W., 55330.
McKenzie, Richard E., 48985.
Sparling, Kenneth G., 21881.
Vodopic, Mary A., 59987.

HOUSE OF REPRESENTATIVES—*Wednesday, May 15, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

It is God who is at work within you, giving you the will and the power to achieve His purpose.—Philippians 2: 13 (Phillips).

Our Father in Heaven, we thank Thee for this sacred minute when we unite our hearts in prayer unto Thee, when for a moment we pause in Thy presence seeking guidance and strength from Thy hand.

Let not the beauty of the earth, nor the glory of the skies, nor the love which surrounds us daily blind us to the needs of the needy and the poverty of the poor. Make us so dissatisfied with large professions and little practices, with fine words and feeble works, with smiling faces and sour faiths that we now pray earnestly for the renewal of a right and a good spirit within us.

Speak Thou to us, O Lord, and may we hear Thy voice, and hearing it harken to it, and harkening to it heed it, for the glory of Thy name, the good of our Nation, and the greatness of this House of Representatives. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15190. An act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 758. An act to amend the Interstate Commerce Act to enable the Interstate Commerce Commission to utilize its employees more effectively and to improve administrative efficiency; and

S. 3159. An act authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and making provision for the maintenance thereof.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1969, UNTIL MIDNIGHT MAY 16

Mrs. HANSEN of Washington. Mr. Speaker, the Committee on Appropriations plans to report the Interior appropriation bill tomorrow

I ask unanimous consent that the Committee on Appropriations have until midnight, May 16, 1968, to file a privileged report on the Department of Interior and related agencies appropriation bill for fiscal year 1969.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

POOR PEOPLE'S MARCH ON WASHINGTON

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I would like to welcome the Poor People's March on Washington to the Nation's Capitol. I applaud its leaders for exercising their constitutional rights of petition, for expressing their grievances eloquently but nonviolently. I trust that violent revolutionaries will not exploit the peaceful protests of the marchers by provoking disorder. I implore my colleagues in Congress, Mr. Speaker, to take the message of the Poor People's March to heart—for this is a country in which there should not be poverty, nor racial injustice. This Nation is too great and too affluent for us not to feed the hungry, clothe the naked, and house the homeless—in short to take care of the poor in our land.

ANOTHER MERCHANT KILLED IN WASHINGTON

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the